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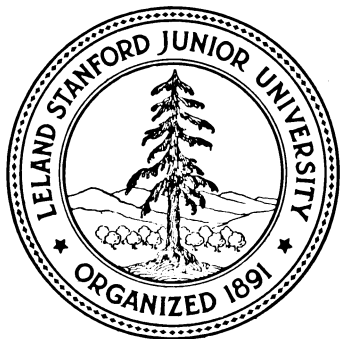
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# THE HISTORICAL DEVELOPMENT OF CHILD-LABOR LEGISLA- TION *in the* UNITED STATES

BY MIRIAM E. LOUGHRAN

A DISSERTATION

SUBMITTED TO THE CATHOLIC UNIVERSITY OF AMERICA  
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## INTRODUCTION

The object of this study is to furnish a brief account for general reference purposes of the development of measures for the protection of children against the effects of premature and excessive employment. The most important items covered can be included under two main heads: Direct regulation and indirect regulation. Direct regulation is effected through legislation in specified employments relative to: Minimum age; minimum educational requirements for work permits; minimum physical requirements for work permits; maximum hours of labor; night work; issuance of work permits; health provisions, and inspection. Indirect regulation is effected through legislation relative to: Compulsory school attendance—provisions for both the school age and the length of term, and continuation and evening schools—school age and length of term being the two points to be considered here, likewise.

The effect of indirect legislation is no less definite than that of direct legislation. Rather, it is recognized that the enforcement of the child-labor law is practically impossible without the assistance of a school attendance law which keeps the child in school during the time when he is not legally permitted to work. The continuation school laws, most of which have been enacted within the past two years, are particularly important for they follow the child into industry, keep him under the supervision of the school, and give him an opportunity to supplement his education.

In presenting the provisions of the laws, certain difficulties were encountered. It was not always possible to retain the cumbersome wording of the statute and still be brief. For this reason, "factories" and "stores" are frequently used instead of "manufacturing, mechanical, and mercantile establishments."

In a study made by William F. Ogburn of the statistical measurements of child-labor laws between the years 1879 and 1910,<sup>1</sup> an index is given in the form of an appendix showing the location of the child-labor laws of each State from the first years of such legislative action to 1909 inclusive. The laws were located by means of the indices in the statute books. This necessitated looking through from 800 to 1,000 volumes. The methods of indexing in the different States were so varied that it was impossible to rely on finding all the child-labor laws indexed under "child labor." Hence from 10 to 16 index words were used in searching for these laws. The results were checked by the comparative summaries of legislation published each year by the New York State Library,<sup>2</sup> and by the various issues of labor laws published by the United States Government. These facts establish the reliability of the data used as the basis for the study and digest of the child-labor laws up to the year 1910. From 1910 on, the laws were taken direct from the statute books and the results checked by the publications of the American Association for Labor Legislation and the United States Government.

In general, the term "child-labor law" concerns the employment of persons under the age of 21, but the meaning varies according to the specific definition in each State law. In like manner, "minor" means in general any person under 21, but may be specifically defined in a statute as covering a lesser age.

Frequently, throughout this study, reference has been made to the "Federal Rules and Regulations." These are to be found in the Appendix. No penalty provisions have been included in the study.

Aside from the historical development of the legislative action in each State, a series of charts are presented with a view to correlating the results to some degree. They cover the following subjects: Minimum age,

<sup>1</sup> Ogburn, William F., *Progress and Uniformity in Child Labor Legislation*. 1912.

<sup>2</sup> *Comparative Summary and Index of Legislation*. Bulletin. New York State Library.

maximum hours, night work, certification, educational requirements for entering employment, physical requirements, compulsory school attendance, and employment in mines and quarries.<sup>\*</sup> There are two charts on the compulsory school attendance provisions, one corresponding with the majority of the other charts correlating years and States, the other analyzed according to exemptions. This was done because in the compulsory school law, more so than in any other, an apparently excellent provision can be completely killed by exemptions. The original purpose of the charts was to enable one to trace the development of a single provision throughout the period of time covered, 1800-1919, and to compare the progress of one State with another. While some comparisons of value might be made, it would not be well to place too great an importance on such a comparison for the different State laws are so variously worded, and many of them are so burdened with exemptions that the actual results cannot be determined, and accurate classification becomes almost impossible. In some cases the compulsory school attendance law of a State, if its provisions are inconsistent with those of the labor law, could in effect raise the minimum age for work during school hours, but as a rule it is impossible to determine accurately the actual result of such conflicting regulations in practice.

An analytical summary of child-labor laws can be made under the following heads: Occupations affected; minimum age; maximum hours; educational requirements; and certification. It will be noticed that the occupations affected by child-labor laws fall naturally into certain groups—manufacturing, mercantile, hotels and offices, street trades, mines, any gainful occupation, and dangerous occupations. There has been greater regulation of child labor in the manufacturing industries than in any other, but there has likewise been considerable legislative action prohibiting the employment of children in dangerous occupations. In fact the very beginnings of such legislation were most frequently in the field of hazardous occupations. Undoubtedly this was because the dangers of excessive or premature employment in such occupations were so obvious. Between the years 1879 and 1909 the number of States regulating the employment of children in manufacturing industries jumped from 14 to 44. The figures for dangerous occupations were approximately the same. The more recent restrictions are in the fields of street trades and office, hotel, and theater employment. At first mining legislation developed almost as rapidly as manufacturing, but in the period from 1905 to 1910, the rate slackened, due perhaps to the fact that mines are geographically more limited than factories. For this reason, too, it was not necessary for all States to legislate on employment in mines. Up to 1889 only one State had any legal regulation of the employment of children in mercantile establishments. Since 1900, however, such legislation has developed rapidly. A logical cause for this would be the development of the mercantile establishments themselves. Before the stores were anything but small individually owned enterprises, restriction of employment was unnecessary, but with the growth of the establishments and their complexity comes the growth of dangers and the necessity for legal regulation. An increasing tendency to regulate "any gainful" occupation can be noticed, thus broadening the scope as dangers and responsibilities become realized.

Legislation governing the dangerous occupations has been steadily increasing in recent years. Of the many employments falling in this class, the most commonly legislated against has been the employment of children in street exhibitions for mendicant purposes. The prohibition of child labor in places where liquor is sold has not been as general as one would imagine. Such legislation would be superfluous now. One general observation is that once a State regulates the employment of children in a given occupation, it rarely recedes.

—We have already mentioned the important part exemptions play in child-labor legislation. A law apparently excellent can be all but choked to death by exemptions, and another law, apparently inferior but unhampered

<sup>\*</sup> Not published. Filed in the Library of the Catholic University of America, Washington, D. C.

by a multitude of exemptions, can live a far more useful life. The chief exemptions are the following: Vacation times; outside of school hours; during specified seasons; orphans, children of widowed mothers or disabled parents; farm and domestic labor; labor on perishable goods; to make repairs; to shorten one day of the week; to make up for lost time; by special permit; physical condition; certain counties and cities of certain sizes. Throughout the statutes we constantly come in contact with such exemptions as these, and it is well to consider their debilitating influence before judging the efficacy of the law.

The age limits—the ages under which children may not work in certain occupations—have been raised gradually but steadily. During the years 1879 to 1889, the typical minimum age for legal employment in manufacturing industries was 10. During the next decade it was 12, and for the last two decades it has stood at 14, although recent legislative efforts have been made to raise it to 16. Before 1894, 12 was the typical age minimum in most occupations other than dangerous occupations, and since then 14. In dangerous occupations, as in some few others, the age limits frequently differ for boys and girls, and, as might naturally be expected, they have been higher than others, rising to 16, 18, and 21.

Concerning hours, 10 a day and 60 a week seems to have been the average maximum in the early child-labor laws. From 1895 on, however, there can be noted a decided decrease. In 1909, 9 a day and 54 a week was the average. Since then there has been a strong and successful tendency to establish the 8-hour day and the 48-hour week—the general maximum of the present day.

The educational requirements for legal employment are, in general, of four types: The attainment of a certain grade; attendance for a specified time; ability to read and write; attendance at continuation or night school. As a rule, these requirements are for employment in the manufacturing industries, but quite frequently they are applicable to mining. The ability to read and write is the usual requirement for children in mines. The dangerous occupations are not greatly affected. In the very early years, factory employment was practically the only one affected, but since 1895 there has been an increasing tendency to include "any gainful" in the occupations demanding an educational requirement. In 1879 the educational requirements did not apply in general to children over 14, while in 1909 the general scope had broadened to include children under 15. The earliest requirements demanded merely ability to read and write, or the completion of a specified amount of attendance. These requirements were strengthened gradually by demanding in addition the attainment of a certain grade or its equivalent. The last—the attainment of a certain grade—might be considered the typical educational requirement. The progress, by States, in educational requirements has not been as great as that in minimum age provisions, but has about equaled that in hours of labor.

Work permits are an important factor in child labor legislation, inasmuch as they form one device for facilitating enforcement. The two general items on the employment certificate are age and evidence of schooling. The very early permits contained evidence of age alone, and this was usually of the simplest type—the parent's affidavit or the mere statement of the issuing officer that "in his opinion" the child was of the prescribed age. Later, more definite proof of age was demanded—usually documentary, such as a birth or baptismal certificate or passport. As the educational requirements became more general, evidence that these requirements were complied with became a necessary item on the work permit. The most recent requirement of the certificate was evidence of the child's physical fitness. The more advanced States demanded a complete physical description of the child—hair, eyes, complexion, height, etc. The certification of physical fitness was in some cases based merely on the opinion of the issuing officer, but there can be noticed a tendency to make the physical standard more rigid and to determine compliance with it by means of a thorough physical examination made by a recognized physician. This establishment of a physical standard has been further strengthened in

recent years by requiring physical examinations not only on entering employment but also at stated intervals thereafter, during employment. This provision, however, would not be mentioned on the work permit. Work permits can be classified on the basis of their signees: School authorities; parents; inspectors; other authorities such as the juvenile court, town clerk, etc. The school authorities give evidence of school attendance or educational attainment; the parents, evidence of age; and the inspectors assume the responsibility of issuing. In the year 1879, the average age limit under which certificates were required was 14, but legislation since that time shows a gradual but steady tendency to increase that age limit. This tendency follows naturally the increase in the minimum age. One important factor in certification provisions is the disposition of the certificate. This factor either strengthens or enervates the law. The general practice has been to have the certificate kept on file by the employer, subject to call by the inspector, and, at the termination of employment, to return the certificate to the issuing officer. This practice does not necessarily imply that a new permit would be required for each new job, but it does imply that at the beginning of each new job, the issuing officer would have the chance to look over the child and judge—even though the judgment be superficial—whether or not conditions or circumstances have altered to any considerable extent since the issuing of the certificate. The practice which returns the certificate to the child on termination of employment, has not this safeguard. The more usual practice is to return the certificate to the issuing officer.

Akin to certification is inspection—both provisions aiming at the enforcement of the standards established by law. A few States made little provision for inspection while others placed the responsibility of inspection on many and various persons: Special inspectors; truant officers; peace officers; school authorities; health officers; judicial officers; humane societies; and State officers. In some few laws "any citizen" is given power to inspect, report, and prosecute for violations. The progress in inspection provisions was slow in the beginning but very rapid later. In 1879, but 5 States provided for inspection, and by 1909, the number had grown to 39. At present, inspection is considered one of the vital and necessary parts of any law, and no present child-labor law is without some such provision.

The general trend of child-labor legislation as a whole has been toward combination. In the beginning the laws were simple and covered but one small phase. They were aimed at a single obvious evil or abuse. As each new danger presented itself and became recognized, it received an isolated blow, strong or weak, from the arm of the law. With the growth in the complexity of the industrial system, and the parallel growth of concomitant dangers, came the realization of the necessity of a more complex body of protective legislation. This realization manifests itself in the appearance of more complete and inclusive child-labor laws, combinations rather than separate and isolated provisions. These early combinations give us our first intimations of the modern children's codes. With the development of needs—recognized needs—comes the development of laws to meet the needs. So with the development of child-labor legislation, the most obvious dangers were the first to be encountered, and with the advance of years and the increase of enlightenment, the less obvious and more subtle were met and treated.

In reading this historical survey of legislation it would be well to keep in mind the standards of laws as they should be. Without some rule by which to measure, we would have but a monotonous succession of apparently little varying sentences.

A reasonable minimum age for entrance into industry is 16—that is for employment in factories, stores, or in most any gainful occupations. Agriculture and domestic service could be excepted, allowing children of 14 to be engaged in these pursuits out of school hours. Dangerous occupations, such as mining and quarrying should demand an even higher minimum of 18, and night messenger service higher still—21, considering what moral

dangers attend such employment. When girls are employed as messengers for telegraph and telephone companies, the minimum age demanded should likewise be 21.

The educational minimum demands the attendance of all children between 7 and 18 for at least nine months, either full or part time. An exception to this general rule is made in cases of children who are over 16 and have completed eighth grade and are legally and gainfully employed. But such children should be required to attend a continuation school at least eight hours a week. Special emphasis should be placed on the need for vacation schools to direct healthful recreation.

No child should be allowed to enter employment until he has had a physical examination proving him capable of performing his intended duties. Moreover, after entering employment there should be periodic examinations at least yearly to determine whether or not the work is injurious to him. Such an examination would show what industries are harmful, inducing excessive fatigue, stunting growth, and leading to disease.

Children between 16 and 18 should be accorded a shorter working day than adults. The maximum should be eight hours, the hours spent at continuation school being included. To determine the minimum wage of a minor is difficult. During a period of learning they could be rated as learners and paid accordingly. After that, the rate should be such that full time compensation would yield sufficient return for the "necessary cost of proper living." Educational principles should determine the length of the apprenticeship period. Needed supervision should be supplied by a central agency co-ordinating all agencies interested in juvenile employment problems. Here children could come for advice as to opportunities, etc.

All this deals with conditions as they should be. Now comes the consideration of the machinery whereby we are assured that our standards are lived up to. To say that a child should be of a certain age, but to demand no conclusive proof that he is, would render the standard useless. Hence, to insure adherence to the standards, an employment certificate should be required of all children under 18 who are entering employment. Before this certificate is granted, certain facts must be established. The requirements should be: Reliable documentary evidence of age; satisfactory evidence of the completion of the eighth grade; a certificate of physical fitness; promise of employment.

For the administration of the school law there should be a sufficient force of full-time attendance officers and the enforcement should be under State supervision. There should be a sufficient number of inspectors and physicians to insure compliance with all child-labor laws and to make the necessary periodic examination of employed children under 18.

The standards are the ideals, the plumb line which we drop to guide us in the erection of our laws and codes. Without it our structure will not grow straight but leaning. Its strength will be undermined, and sooner or later we may expect a collapse. By our standards we measure what we have—the statistics of conditions as they are. Then, logically and clearly, do we see wherein we fail. And on this knowledge alone can we base useful constructive legislation. The old hit-or-miss methods have proved a failure. Our new laws must be cut by the pattern of standards, and our old laws, too, must be recut and supplemented until the code as a whole coincides with the required ideal.



# STATE LEGISLATION

## ALABAMA

The first regulation in Alabama was enacted in 1887. It limited the number of hours of employment for women and children under 18 to 8 a day, and made it illegal to permit a child under 14 in a factory or workshop. "Permit" and "employ" seem to be used interchangeably in these very early statutes—doubtless because of common attempts to evade the law by making the work appear voluntary. The minimum age in iron and coal mines was fixed at 15 years.<sup>1</sup>

Some years later, in 1894, the 8-hour act was repealed.<sup>2</sup> In 1897, the minimum age in mines was reduced to 12, and women were prohibited entirely.<sup>3</sup> In 1903 the minimum age for employment in factories and workshops was reduced to 12. Even this slight check on child labor was weakened by an exemption—the child of a widowed mother, a disabled or aged father, or an orphan could be employed at the age of 10. An hour provision limited children under 12 to 66 hours a week. At the same time the first night-work provision was made, prohibiting children under 13 to work between the hours of 7 p.m. and 6 a.m., and limiting the hours of night work for children under 16 to a maximum of 48 a week. Affidavits of birth were required for each child—signed by the parent or guardian and kept by the employer.<sup>4</sup>

In 1907 the minimum age for employment in mills and factories was made definitely 12—this provision to be in force January 1, 1908. For the first time an educational requirement was demanded. Children, 12 to 16, were required to attend school 8 weeks every year of employment. Also the maximum number of hours was lowered—children under 15 being limited to 60 a week instead of 66. The night work regulation was improved. It prohibited the employment of those under 16 between 7 p.m. and 6 a.m.; and of those from 16 to 18 for more than 8 hours in one night. There was a slight change in the regulation for affidavits. The parent's affidavit required for children under 18, was to be filed by the employer in the office of the judge of probate, and one copy sent to the inspector. A false statement on an affidavit was to be dealt with as perjury. The enforcement of these provisions was placed in the hands of the inspector of jails and almshouses. He was to inspect at least four times a year if practicable, and had the right to remove children with infectious, contagious, or communicable diseases. Defining manufacturing, the law says it "includes working in cotton, wool clothing, tobacco, printing and binding, glass, or other kind of work injurious to health when carried on indoors."<sup>5</sup> The same year the minimum age in mines was lowered to 14 for boys, and women were prohibited.<sup>6</sup>

The 1909 session enacted certain provisions regulating employment in factories and certain mills. The minimum age was made 12. The hours for children under 14 were limited to a maximum of 60 a week. Children under 16 were forbidden to work between 7 p.m. and 6 a.m., and those between the ages of 16 and 18 were forbidden to work more than 8 hours during the night. Eight weeks of school attendance a year was required of children from 12 to 16 years of age. An affidavit of birth sworn to by the parent was required of all children under 18. As by a previous law, the inspector of jails and almshouses must inspect mills, factories, and manufacturing establishments.<sup>7</sup>

In 1911 we find the first school provision. Towns with factories employ-

<sup>1</sup> 1887 No 49

<sup>2</sup> 1894 No 15

<sup>3</sup> 1897 No 486

<sup>4</sup> 1903 No 57

<sup>5</sup> 1907 No 766

<sup>6</sup> 1907 Code 1035

<sup>7</sup> 1909 No 107



ing 50 or more children within school age were required to establish a school.<sup>9</sup>

Nineteen-fifteen was a year of decided legislative progress. A wholly new restriction was placed on employment in the manufacture or sale of intoxicating liquor, making it illegal to enter such employment under the age of 21.<sup>9</sup> In 1915, too, is the first legal regulation of the messenger service. Children under 18 employed as messengers in the telegraph, telephone, or messenger service, or in the distribution, transmission, or delivery of goods or messages, could not work between the hours of 9 p.m. and 5 a.m. in cities of over 25,000; nor in cities or towns of less than 25,000 between the hours of 10 p.m. and 5 a.m.<sup>10</sup> Dangerous occupations, including mines and quarries and also theatrical performances, could not be entered by children under 16.<sup>11</sup> A general restriction on age and hours "in any gainful occupation" was effected by the same law. On and after September 1, 1915, the minimum age was 13; on and after September 1, 1916, the minimum age was 14. Exceptions, however, were made for: Agriculture and domestic service; boys of 12 and over in business offices and mercantile establishments in cities and towns of under 25,000 when public schools are not in session. The hour provision called for a maximum of 11 a day and 60 a week for children under 16, and a night work prohibition between 6 p.m. and 6 a.m. This provision likewise exempted agriculture and domestic service. Employers were required to keep posted a list of girl employees under 18 and boys under 16. Here, too, was allowed the exemption of business offices and mercantile establishments when the public schools were not in session. Employed children under 16 had to attend school 8 weeks (6 consecutively) in every year of employment.<sup>12</sup>

An employment certificate was required, issued by the superintendent or principal of schools or county superintendent of education or any authorized person, and containing a school record showing 60 days' attendance in the immediately preceding year, age and date of birth, name and address of parent or guardian, and evidence that the age was over 14.<sup>13</sup> The next provision of the same act covered the distribution of newspapers, periodicals, hand bills, or circulars, or any street trade. The minimum age for boys in such occupations was 12. for girls, 18—in cities of 25,000 or over. An exemption allowed boys of 10 or over to distribute papers on fixed routes in residential districts. Boys under 16, in cities of 25,000 or over, were not allowed to work in street trades between 8 p.m. and 5 a.m. As an aid to enforcement, boys under 16 were required to wear in plain sight a badge granted as proof that the age of 12 had been attained, or in case of merely delivering papers on a fixed route in a residential district, proof of 10 years and regular school attendance was sufficient.<sup>14</sup> The health regulations embodied in this act required that where minors subject to the provisions of this act were employed, there had to be suitable and convenient water closets in sanitary condition, properly ventilated, separate facilities for girls and plainly so marked. Inspectors were required to see to the fulfillment of these provisions.<sup>15</sup>

In 1915 also we see the first attempt at a compulsory school attendance law. It shows an attempt in the right direction but is so choked with exemptions as to render it practically useless. It merely requires the written permission of the board of education for the legal employment during school hours of any child from 8 to 15, inclusive, unless the child has completed seven elementary grades, or school is at a great distance, or child is physically or mentally incapacitated for school, or in cases of extreme poverty where the child's services are necessary for the family's support.<sup>16</sup> Poor as this law is, the 1916, 1917, and 1918 legislatures saw fit to make no change.

## ARIZONA

In the 1901 Revised Statutes we find the first reference to child labor, in

<sup>9</sup> 1911 No 246

<sup>10</sup> 1915 No 169

<sup>11</sup> Ibid

<sup>12</sup> Ibid

<sup>13</sup> Ibid

<sup>14</sup> 1915 No 470

a provision fixing the minimum age in dangerous occupations at 15 years.<sup>1</sup> The same statute fixed a minimum age of 16 for employment in occupations considered dangerous to morals—singing, playing on a musical instrument, rope walking, dancing, begging or peddling in any public street or highway, working in any mendicant or wandering business.<sup>2</sup>

In 1907 a minimum age of 14 was set for employment during school hours in any gainful occupation, but an exemption seriously impaired the efficacy of the law. A child under 14 could be employed during school hours if he had proof that he was excused from school attendance. This coupled with the school attendance law and its numerous exemptions placed slight restrictions on the employment of children.<sup>3</sup> The minimum age for dangerous occupations in general still remained 15 but was raised to 21 for employment in saloons.<sup>4</sup>

In 1912 a general minimum age of 14 was established. In certain occupations the board of health might declare dangerous, the age was to be raised to 16, and in extra hazardous occupations the minimum age was raised to 18. Sixteen was the minimum age for mines and quarries. For employment in street trades in cities of the first and second class, the age differed for boys and girls—10 for boys and 16 for girls.<sup>5</sup> Concerning hours there is an 8-hour day and 48-hour week for boys under 16 and girls under 18—with the usual exemption for domestic service and farm labor. Night work provisions forbid the employment of boys under 16 and girls under 18 between 7 p.m. and 7 a.m., and in incorporated cities, boys and girls under 21 may not be employed in messenger service between 10 p.m. and 5 a.m. Certificates are required for children under 16 showing that educational and physical fitness requirements are satisfied. The penalties range from \$5 to \$200.<sup>6</sup> No child under 14 can be employed during school hours and children under 16 employed during school hours must have a permit.<sup>7</sup>

## ARKANSAS

The first regulation in Arkansas concerned mining. It established a minimum age of 14 for boys and prohibited women altogether. Boys under 16 must be able to read and write and those in charge of an engine by which men are hoisted out of or lowered into mines must be at least 18 years of age.<sup>1</sup>

In 1903, Arkansas stretched out its legal protection to children employed in factories—but the protection was slight. Children were not allowed to work until they were 12 years old unless they were orphans, or children of widowed mothers or totally disabled fathers. Such children were allowed to work as young as 10 years. However, the generous law forbade the employment of children under 14 for more than 10 hours a day or 60 hours a week. Children under 14 were protected from employment during night hours—between 7 p.m. and 6 a.m. One other provision helping to make a 14-year minimum in some few cases requires that all under 14 to be employed must be able to read and write and must attend school 12 weeks each year. A parent's affidavit of birth was demanded for each child employee, and a fine of \$500 specified for violations of any of the provisions.<sup>2</sup>

Four years later the minimum age for employment in factories was raised from 12 to 14—12 being allowed for children of widowed mothers, aged and disabled fathers and orphans. There was also an improvement in hours—10 a day and 60 a week being the maximum for children under 14. The night work provisions and the educational requirements remained the same except that children from 14 to 18 must have attended school at least 12 weeks during the year preceding employment. The affidavit was required as before but the penalty was lessened substantially, demanding a fine of \$100 instead of \$500 for violations.<sup>3</sup>

Evidently in 1909 there was recognized a need for regulating the employ-

<sup>1</sup> 1901 R S s 242

<sup>2</sup> 1907 C 67

<sup>3</sup> 1907 C 13

<sup>4</sup> 1912 C 32

<sup>5</sup> 1912 c 77 sec 89

<sup>6</sup> 1912 c 33

<sup>7</sup> 1893 A 125 p 217

<sup>1</sup> 1903 A 127 p 213

<sup>2</sup> 1903 C 48 s 1947-1952

<sup>3</sup> 1907 A 456 p 1230

ment of children in places dangerous to health or morals. No child under 14 could be exhibited, used, or employed as an actor or performer in any concert hall or room where intoxicating liquors were sold or given away, or for any illegal, indecent, or immoral purposes, exhibition, or practice whatever, or for any vocation injurious to the health or dangerous to the life or limb of such child. A fairly strict penalty aided in the enforcement of this provision. A first offence was punishable by a fine of not more than \$100, or imprisonment for not more than 3 months, or both. A second offence could receive a \$200 fine or 6 months' imprisonment, or both.<sup>4</sup>

The first compulsory school attendance law was enacted in 1909 also. It required attendance of all children between 8 and 16 for at least one-half the school session. A poverty exemption—namely, an exemption when the child's labor is necessary for the support of his family—weakens this otherwise promising law; also certain counties are exempted from the general provision. The law further provides that children 16 to 21, not regularly and lawfully employed in some useful labor, shall attend school at least one-half session. This seems most advanced and would even at the present time be considered decidedly radical and unwarranted. Certificates showing the required school attendance were demanded for children under 16 employed in mines, factories, workshops, mercantile, or other establishments. One of the smallest penalties—a fine of from \$10 to \$30 was the sanction.<sup>5</sup>

The year 1914 saw enacted a general age and hours provision, and further regulation of dangerous occupations and employment certificates. The minimum age for any gainful occupation was set definitely at 14, with an exemption for vacation time. For children who had not passed the fourth grade or its equivalent, the minimum age was raised to 16. An 8-hour day and the prohibition of night work became enforced for children under 16. Eight hours a day, 6 days or 48 hours a week, became the maximum; and between 7 p.m. and 6 a.m. constituted the prohibited night hours. The maximum hours for those between 16 and 18 was slightly higher—10 hours a day, 6 days or 54 hours a week, being permitted. Also "the night" for those other children commenced at 10 rather than 7.<sup>6</sup> The dangerous occupations act described "dangerous occupations" as including work in saloons, theaters, bowling alleys, adjusting or sewing machine belts, oiling or cleaning machinery, operating a number of dangerous machines, processes using harmful chemicals or producing dust in injurious quantities, heavy work in the building trades, work on scaffolding, in mines, quarries, or coke ovens. Sixteen was the earliest age at which any one could be employed in any of these occupations.<sup>7</sup> The law demanded employment certificates for children under 16. These had to be kept on file accessible to the proper official. They were issued by the local school authorities, or the commissioner of labor and statistics, or by some person authorized by them; and showed the date of issuance, name, sex, date and place of birth, and place of residence.<sup>8</sup>

A special protective measure for women was enacted in 1915. Women (including girl children) in manufacturing, mechanical or mercantile establishments, laundries, express or transportation companies, were allowed to work no more than 9 hours a day, and 50 hours or 6 days a week. Of these 9 hours not more than 6 could be continuous without an interval of at least three-quarters of an hour unless employment for that day ended at 1.30 p.m. Then 6½ continuous hours of labor were permitted. No girl under 18 was allowed in these occupations between 9 p.m. and 7 a.m. Fearing the effect of this law, a proviso was worked in stating that if it could be shown that this act worked irreparable injury to canning factories, candy factories, etc., a commission composed of the commissioner of labor and statistics and two women—one appointed by the commissioner and one by the governor, after a hearing, could permit such industry to work overtime if the rate of pay was time-and-a-half for overtime, and if overtime did not exceed 90 days in a year.<sup>9</sup>

<sup>4</sup> 1909 A 170 p 518

<sup>5</sup> 1909 A 234 p 701

<sup>6</sup> 1914 Act No 1

<sup>7</sup> Ibid

<sup>8</sup> Ibid

<sup>9</sup> 1915 C 191

In 1917 the rules for evidence of age were made to comply with the Federal regulations.<sup>10</sup> The former evidence of age required was merely "documentary."<sup>11</sup> Previous to 1914, an affidavit only was required.<sup>12</sup>

The first uniform compulsory school attendance law was enacted in 1917.<sup>13</sup> It required all children between 7 and 15 to attend at least three-fourths of the entire session, but there were three exemptions: The completion of the seventh grade; poverty, that is, if services were necessary for the support of a widowed mother; physical or mental incapacity. Previous provisions<sup>14</sup> were very complicated, working differently in different counties. The actual standard of the 1917 law seems to be lower, reducing the age from 16 in some counties and from 20 in others. Practically, however, the 1917 law was an advance for it was simpler, the exemptions were decreased, and it applied to the entire State. There was no change in 1917 concerning the minimum age or hours of employment in mines, but regulations were made for inspection.<sup>15</sup>

## CALIFORNIA 188

California seems to have enacted considerable legislation in early years. Eighteen-sixty-eight marked the start. In that year, an 8-hour day for children was established. To require more of a minor child was considered a misdemeanor punishable by a fine of from \$10 to \$100 or, in default of payment, imprisonment in the county jail for from 2 to 20 days. Agriculture, viniculture, horticulture, or domestic service were, however, exempted occupations.<sup>1</sup> Eight years later, provisions regulating the employment of children in dangerous occupations were enacted. Sixteen was made the minimum age for singing, playing on a musical instrument, ropewalking, dancing, begging, peddling on a public street, or engaging in any mendicant or wandering business.<sup>2</sup> The legislature two years later held the same provisions but added to the list of dangerous occupations, including: Employment as a gymnast, contortionist, or rider, begging, any obscene, indecent, or immoral exploitation, or any occupation or business injurious to health or dangerous to life or limb. Not only employment in but even admittance to a saloon, dance-house, or concert-saloon was forbidden to children under 16 unless accompanied by a parent.<sup>3</sup>

The 1878 law provided a definite penalty making violation not merely a misdemeanor but a misdemeanor punishable by a fine of \$50 to \$250, or imprisonment for not over 6 months, or both.

The first child labor law for manufacturing, mechanical, and mercantile establishments was enacted in 1889.<sup>4</sup> It made the minimum age 10, and limited hours to 10 a day and 60 a week for children under 18. This law carried an exemption, namely, when it was necessary to make repairs or when the hours for one day were increased in order to allow a shorter day. For children under 16, certificates verified by parent or guardian had to be kept on file by employers as also did lists of all children under 16. A provision making the commissioner of the bureau of statistics responsible for enforcement strengthened the law.

In 1901, the minimum age for employment in the same occupations—manufacturing and mercantile—was raised from 10 to 12. The certificate provision remained substantially the same. The maximum number of hours was lowered from 10 a day and 60 a week to 9 a day and 54 a week.<sup>5</sup> The same year the minimum age for employment in occupations dangerous to health or morals was lowered from 16 to 14. A new clause specifically forbade minors being sent as messengers to houses of prostitution, but on the whole the new law was weaker.<sup>6</sup>

In 1905 the minimum age in manufacturing, mechanical, and mercantile establishments was again increased—this time to 14. The provision like-

<sup>10</sup> 1917 A 391

<sup>11</sup> 1914 A 1

<sup>12</sup> 1907 A 456 and 1913 A 323

<sup>13</sup> 1917 A 294

<sup>14</sup> 1917 A 234 1911 A 231 1909 A 347

<sup>15</sup> 1917 A 130

<sup>1</sup> 1868 C 70

<sup>2</sup> 1876 C 63

<sup>3</sup> 1878 CC 520, 521

<sup>4</sup> 1889 C 7

<sup>5</sup> 1901 C 205

<sup>6</sup> 1901 C 158

wise applied to employment in offices, laundries, workshops, restaurants, hotels, apartments, and messenger service. The hours remained unchanged—9 a day and 54 a week, but a night work regulation prohibited children under 16 from working between the hours of 10 p.m. and 6 a.m. An exemption on special permit from the juvenile court in cases of poverty was allowed. Also minors from 12 to 14 were permitted to work during vacations.

The educational requirement forbade a child under 16 employment in any gainful occupation during school hours unless he could read and write English or was a regular attendant at evening school. Certificates of age and schooling and lists of names were required for minors under 16, and were issued by the school authorities. The age was determined by the school census, certificate of birth or baptism, or in "some other manner." Certificates of age were accompanied by a parent's affidavit. Although the certificate belonged to the child and was surrendered to him a duplicate was kept by the issuing officer. As previously, the commissioner of the bureau of labor and statistics is responsible for enforcement.<sup>7</sup>

In 1907 a new law was enacted but there was no substantial change in the provisions.<sup>8</sup> An exemption, however, stated that the Act of 1905 should not apply to agriculture, horticulture, or domestic labor during the time the public schools were not in session, or during other than school hours. Horticulture included curing and drying but not canning. The age at which a child was allowed in any place detrimental to his morals was raised to 18. The wording of the provision showed a tendency toward more rigid enforcement: "Any person, whether parent, guardian, employer, or otherwise, and any firm or corporation, who as employer or otherwise shall send, direct, or cause to be sent or directed to any saloon, gambling house, house of prostitution, or other immoral place, any minor under 18 is guilty of a misdemeanor."<sup>9</sup> While the 1909 session enacted new child labor laws the provisions were practically the same as those of the 1907.<sup>10</sup>

In 1911 the school age which was formerly 14 was raised to 15. Five exemptions were recognized: Physical and mental incapacity; attendance at private school; possession of a work permit as of February 20, 1905; completion of the grammar grades; inaccessibility—distance of two or more miles from the school.<sup>11</sup> Minimum age for night work was raised from 16 to 18 but the hours describing the night were lessened, allowing work as early at 5 a.m. instead of 6.<sup>12</sup> Provisions for a 9-hour day and 54-hour week remained as by a previous statute—the same exemptions holding.<sup>13</sup> However, an 8-hour day and 48-hour week was established for women.<sup>14</sup>

The minimum age of 14 was extended to apply to almost every occupation. Children of 12 to 14 years and with incapacitated parents could still secure special work permits, and school permits were granted children over 12 for vacation employment. Definite promise of employment was required before the granting of age and schooling certificates, and employers were bound to notify the judge of the juvenile court or the superintendent of schools when a child left work. No child could be out of school more than 2 weeks without reasonable excuse. An exemption was made to the night work regulation allowing children 15 to 18 to work in theaters until midnight.<sup>15</sup>

In 1913 the 8-hour day was extended to all workers under 18.<sup>16</sup> At the next session of the legislature the same laws were re-enacted with so few exceptions. The minimum age was raised to 15. Age and schooling certificates, vacation permits, hours, and night work remained unchanged. In the dangerous occupations provisions there were some interesting changes, due undoubtedly to the popularity of the western coast as a field for moving picture production. Sixteen was still the minimum in most occupations considered dangerous to health or morals, but permission could be obtained from the commissioner of labor to employ a minor in the

<sup>7</sup> 1905 C 18

<sup>8</sup> 1907 C 524

<sup>9</sup> 1907 C 294

<sup>10</sup> 1909 CC 254 and 130

<sup>11</sup> 1911 C 482

<sup>12</sup> 1911 C 688

<sup>13</sup> 1911 C 456

<sup>14</sup> 1911 C 258

<sup>15</sup> 1911 CC 116 and 456

<sup>16</sup> 1913 C 214

presentation of a drama—which includes motion pictures.<sup>17</sup> Requirements of these certificates are: School record giving age, grade, and attendance; proof that minor is 15 years of age; written promise of employment and the nature of employment; certificate of health. A minor of 14 could be granted a work permit upon the sworn statement of his parent or guardian that he was 14 and that his labor was necessary for the support of his family, provided he had completed the prescribed grammar school course and was physically fit for the labor contemplated. Even such a permit could last no longer than 6 months.<sup>18</sup> Certain lists were required to be posted and kept on file by employers. The names and addresses of employees under 18; the notice of hours required for each day; all permits and certificates required for children under 16.<sup>19</sup> If any minor having an age and schooling certificate or under 16 and required by law to attend school was unemployed for more than two weeks while school was in session, he had to attend school and could not be exempt.<sup>20</sup> The same act permitted minors 16 or over, and, outside of school hours, all minors, to be employed in agriculture, horticulture, viniculture, or domestic labor.<sup>21</sup> For street trades the minimum age for boys was 10 and for girls 18, in cities of 23,000 or over.<sup>22</sup> In messenger service, the minimum age was 15 with the usual exceptions granted by vacation permits, and age and schooling certificates. Work in such service was not allowed, however, for minors under 18 between the hours of 9 p.m. and 6 a.m.

In 1917 the compulsory school attendance law was modified to meet the war emergency. The State board of education, with the approval of the governor, was given power to close schools during war time when necessary for farm work or when such closing would be for the welfare of the State. The term of attendance, however, could not be less than 6 months a year.<sup>23</sup> More provisions were made in 1917 for permits for the presentation of drama, play, performance, concert, or entertainment. Formerly, the law applied only to "drama or dramatic play."<sup>24</sup> The 8-hour law remained unchanged but the exemption of harvesting, curing, canning, and drying perishable fruits and vegetables was made to include fish canning, etc., but it was limited by making it apply only "during such periods as may be necessary" to keep said products from spoiling. The same act provided for seats for girls while employed.<sup>25</sup>

## COLORADO

The earliest child labor legislation in Colorado consists of mining regulations. In 1876 the general assembly prohibited the employment in mines of children under 12 years.<sup>1</sup> The following year the minimum age was raised to 14 for coal mines.<sup>2</sup> In 1885 the minimum age in mines was reduced to 12 for boys but women and girls were prohibited entirely. Boys under 16, however, had to be able to read and write.<sup>3</sup> In spite of the age reduction for employment in mines, 14 years was still the minimum for a long list of occupations considered dangerous to both health and morals, such as singing and playing on musical instruments, rope or wire walking, dancing, begging, peddling, acting as gymnast, contortionist, rider, or acrobat, employment in any place whatever for obscene, indecent, or immoral purposes, or any occupation injurious to health or dangerous to life or limb. This law excludes school, church, or other respectable entertainments.<sup>4</sup> Again in 1887 the minimum age was raised to 14 for employment underground in mines, or in any smelter, mill, or factory.<sup>5</sup>

So far, all the provisions have concerned dangerous occupations. Not until 1889 do we find a general regulation of employment in "any business." This law set the minimum age at 14 during school hours unless the child had been taught 12 weeks each year and had a certificate in writing to

<sup>17</sup> 1915 C 625

<sup>18</sup> Ibid

<sup>19</sup> Ibid

<sup>20</sup> Ibid

<sup>21</sup> Ibid

<sup>22</sup> Ibid

<sup>23</sup> 1917 C 192

<sup>24</sup> 1917 C 580

<sup>25</sup> 1917 C 582

<sup>1</sup> 1876 Art 16

<sup>2</sup> 1877 C 15

<sup>3</sup> 1885 p 138

<sup>4</sup> 1885 p 124

<sup>5</sup> 1887 p 76

that effect signed by the teacher. A compulsory education requirement was also embodied in the same law demanding that parents send their children to school unless they were physically or mentally incapacitated. The popular "poverty exemption" which holds in the District of Columbia even now, was not considered. In cases of poverty clothes were to be furnished. Two weeks of half time or night school attendance would be considered as the equivalent of 1 week full time. The enforcement lay with the school director.<sup>6</sup>

A new law governing dangerous occupations was enacted in 1891, but the provisions were substantially the same as those of 1885.<sup>7</sup> Fourteen continued to be the minimum age. In 1899 the educational requirements were strengthened. Children 8 to 16 were obliged to attend school the entire session, but children of 14 who had completed the 8th grade or whose help was necessary for their own or their parents' support were exempt. Employers were required to keep written proof that the requirements were met.<sup>8</sup>

The first provision for hours came in 1903 when an 8-hour day was established for women and children under 16, in mills, manufacturing, and mercantile establishments, mines, and dangerous occupations.<sup>9</sup> The bureau of labor statistics was established in 1909 and the deputy commissioner charged with the duty of enforcing all laws regulating the employment of women and children.<sup>10</sup>

A child-labor law more complete and inclusive than any heretofore enacted came into force in 1911.<sup>11</sup> Fourteen was made the minimum age in all occupations during school hours. Sixteen was the minimum in concert halls where liquor was sold, variety theaters, in immoral or dangerous occupations, in mines, smelters, coke ovens, around dangerous machinery, or in specified dangerous occupations. Girls under 10 could not work in street trades. All employed children under 14, except those working on farms for their parents were required to have a permit from the superintendent of schools. The hours for children under 16 were 8 a day and 48 a week. The night work provision forbade children under 16 to work after 8 p.m., and children under 14 to work before 7 a.m. This provision was not very definite, fixing but one limit for children 14 to 16, and allowing exemptions by special permit. For the age and schooling certificates issued by the school authorities a parent's affidavit could be accepted instead of documentary proof of age. Ability to read and write was also required unless the child was attending evening school. A register of all children under 16 had to be kept on file in all establishments. An exemption was made for concerts or theatrical performances where liquors were not sold. Also children 14 to 16 were exempted from any or all provisions except dangerous occupations, by permit from county or city superintendent of schools. He was to see that suitable provisions were made to safeguard the moral and physical health and education. In summer, children of 12 or over were allowed these exemptions. Enforcement was through the State factory inspector, who had to inspect and prosecute. The 1913 provision for employment in mines retained the same minimum age of 16.<sup>12</sup>

## CONNECTICUT

Connecticut took about the first steps in the legal protection of children. A very vague provision in 1813 decreed that indentured and bound-out children be given education and due attention to morals. For the purpose of enforcement selectmen were to visit factories. Some years later, in 1842, a maximum number of hours for labor in cotton and woolen mills was established for children under 14. This maximum was 10. While not very much, it was some check on unlimited exploitation of children. School attendance was required under 15 years of age for 3 months out of 12. However, inasmuch as a certificate sworn to by the teacher was sufficient

<sup>6</sup> 1889 p 59

<sup>7</sup> 1891 p 59

<sup>8</sup> 1899 p 341

<sup>9</sup> 1903 C 138

<sup>10</sup> 1909 C 140

<sup>11</sup> 1911 C 95

<sup>12</sup> 1913 C 56

evidence, there were great possibilities of evasion. The first minimum age limit was set in 1855. No child under 9 could work in manufacturing and mechanical establishments, and 12 hours was the maximum for children under 18. The next year, the minimum age was raised to 10, but the hours remained the same with the added provision for not more than 69 a week. The hours were decreased in 1867 to 10 a day and 58 a week for minors under 18.<sup>1</sup>

In 1869, a definite educational requirement was demanded of children under 14 entering employment—school attendance for 3 months out of the 12 next preceding and every year in which he was employed. This was enforced by the State board of education.<sup>2</sup>

The required amount of school attendance was decreased in 1877 and "60 days" substituted for "3 months."<sup>3</sup> A few years later an exemption from the school law was allowed for physical or mental incapacity,<sup>4</sup> but the main provision remained unchanged. Certificates of attendance were to be furnished by parents to employers who were to keep them on file and show them when so demanded by school visitors.<sup>5</sup> An odd clause reads, "All parents shall bring them (their children) up in some honest and lawful calling or employment."<sup>6</sup>

In 1882 the acts of 1877 and 1880 were repealed and a new law enacted.<sup>7</sup> Children 8 to 14 were required to attend school at least 12 weeks (formerly "60 days") in any consecutive 12 months, certificates showing the fulfillment of this provision to be presented to the employer by the parent. No child under 14 who had been in the United States 9 months could be employed unless he had attended school 12 weeks in the year preceding employment. This same year marks a series of dangerous occupation provisions. No minor under 21 could be employed as bartender, porter, or in any capacity in a saloon where spirituous or intoxicating liquors were kept for sale.<sup>8</sup>

In 1884 the list of dangerous occupations was added to, including rope walking, wire walking, dancing, skating, bicycling, peddling, or acting as gymnast, contortionist, rider, or acrobat, in any place whatever, or in any business, exhibition, or vocation injurious to health or dangerous to life or limb, or for obscene, indecent, or immoral purposes. Employment in any of these newly named occupations was forbidden under 12.

A compulsory education provision was enacted in 1885. While apparently valuable, exemptions made it as weak as previous provisions. Children 6 to 16 were required to attend school regularly and constantly while they were in session, but children under 14 who had attended school 12 weeks in the preceding 12 months, and children over 14, could be exempted if they were properly employed at labor at home or elsewhere.<sup>9</sup> In 1886 the minimum age for a child in manufacturing, mechanical, and mercantile employment was 13. The certification provisions were not substantially changed except that evidence of the required 13 years was demanded.<sup>10</sup>

The hours in manufacturing, mechanical, and mercantile establishments were limited the next year to 10 a day and 60 a week for children under 16. An exception was made when it was necessary to make repairs or when, by lengthening one day, another was thereby shortened. As yet no stricter certification or proof of age was required.<sup>11</sup> In 1887 the compulsory school law of 1885 was amended by extending the exemption to children under 13 who had attended school 24 weeks in the preceding 12 months.<sup>12</sup> The old exception of under 14 and with 12 weeks' attendance still held.

The 1893 session prohibited minors under 16 from operating elevators.<sup>13</sup> A further educational requirement, enacted in 1893,<sup>14</sup> and re-enacted in 1895,<sup>15</sup> demanded that employed children, 14 to 16, who could not read nor write attend public evening school at least 18 days each month. The State board of education enforced this provision.

<sup>1</sup> 1867 C 124  
<sup>2</sup> 1869 C 115  
<sup>3</sup> 1877 C 112  
<sup>4</sup> 1880 C 17  
<sup>5</sup> 1880 C 37  
<sup>6</sup> 1880 C 17  
<sup>7</sup> 1882 C 80  
<sup>8</sup> 1882 C 107

<sup>9</sup> 1885 C 90  
<sup>10</sup> 1886 C 124  
<sup>11</sup> 1887 C 62  
<sup>12</sup> 1887 C 145  
<sup>13</sup> 1893 C 59  
<sup>14</sup> 1893 C 227  
<sup>15</sup> 1895 C 210



Two years later the minimum age was raised to 14 for employment in any gainful occupation.<sup>16</sup> In 1899 the same provision was re-enacted and a penalty set—\$20 for each week the child was employed contrary to law.<sup>17</sup> The 1901 law extended the 10-hour day law to women as well as minors under 16. Certificates of age were required to be kept by the employer for all children under 16.<sup>18</sup> The compulsory school attendance law was reworded in 1902 but the provisions substantially unchanged.<sup>19</sup> In 1903 provision was made for children unable to submit proof of age, allowing the State board of education to investigate and if child appeared over 11, to grant a certificate.<sup>20</sup> The wording of this provision was simplified in the 1905 revision.<sup>21</sup>

The 10-hour day still held in 1910 for women and children under 16, but the 58-hour week was an improvement. If a 55-hour week was desired in June, July, and August, 60 hours could be demanded for the rest of the year.<sup>22</sup>

In 1909 the educational requirements for employment certificates were made more strict. Together with ability to read and write was demanded the performance of the fundamental rules of arithmetic up to and including fractions. Foreign-born children over 14 could be granted a certificate provided they had equivalent education in their native language.<sup>23</sup>

The 1907 law was re-enacted in 1909, but the provisions substantially unchanged. The same hours remained but a new exemption was extended to employers who gave during each year 7 holidays with pay.<sup>24</sup> The same law provided for two or more shifts in case of night work.

The following year, 1911, new provisions for employment certificates were enacted. The State board of education was named the issuing officer. It issued certificates for children 12 to 14, and if it deemed necessary required an examination for physical fitness. The employer was given the responsibility of notifying the issuing officer of commencement and termination of employment of children under 16.<sup>25</sup> Another 1911 law demanded the posting of hours in mercantile establishments.<sup>26</sup> The minimum age in dangerous occupations was raised to 16—18 for running elevators more than 200 feet in a mine. Enforcement was in the hands of the factory inspectors.<sup>27</sup>

In 1913, employment in saloons and places where liquor was handled, was added to the occupations forbidden to minors. This did not apply, however, to groceries, drug stores, and bona fide hotels.<sup>28</sup> A slight reduction in hours for those under 16 occurred this same year. Ten hours a day were allowed as previously, but 55 instead of 58 a week in manufacturing and mechanical establishments. Fifty-eight a week still prevailed in mercantile establishments. Night work after 6 p.m. was forbidden except, in stores, employment one night a week until 10 p.m. was allowed. Even this exemption was extended to very elastic dimensions during the Christmas week from December 17 to 25.<sup>29</sup>

In 1915 a tremendously long list of occupations were declared dangerous and prohibited for children under 16—the minimum age formerly set for employment in “dangerous occupations.”<sup>30</sup> For rope walking, dancing, acrobatic performance, obscene or immoral purpose, etc., the minimum age was raised from 12 to 16.<sup>31</sup>

A number of enforcement provisions were passed in 1917. Regulations were made as to the serving of notices by the commissioner of labor and factory inspection.<sup>32</sup> Employment certificates were to have a list of prohibited occupations printed on the back.<sup>33</sup> The commissioner of public welfare was to investigate many things, including hours of labor and minimum wages.<sup>34</sup> The State board of education was to appoint agents to prosecute

<sup>16</sup> 1895 C 118  
<sup>17</sup> 1899 C 41  
<sup>18</sup> 1901 C 110  
<sup>19</sup> 1902 Revision s 2116  
<sup>20</sup> 1903 C 75  
<sup>21</sup> 1905 C 115  
<sup>22</sup> 1907 C 251  
<sup>23</sup> 1909 C 123  
<sup>24</sup> 1909 C 220  
<sup>25</sup> 1911 C 119

<sup>26</sup> 1911 C 278  
<sup>27</sup> 1911 C 123  
<sup>28</sup> 1911 C 11  
<sup>29</sup> 1913 C 179  
<sup>30</sup> 1915 C 195  
<sup>31</sup> 1915 C 175  
<sup>32</sup> 1917 C 49  
<sup>33</sup> 1917 C 127  
<sup>34</sup> 1917 C 163

for violations of the child-labor and school-attendance laws,<sup>35</sup> and to enforce the certificate law.<sup>36</sup> Loitering in pool rooms was added to the list of prohibited occupations.<sup>37</sup> Employment by telegraph or messenger company, in cities of 20,000 or over, was forbidden between 10 p.m. and 5 a.m., for a minor under 18.<sup>38</sup> The maximum hours of labor, 58 a week, previously established for factories, stores, etc., was extended to public dining rooms, restaurants, barber shops, hairdressing establishments, etc., but exempted hotels.<sup>39</sup>

A war emergency measure allowed the governor to modify or suspend labor laws upon request of the Council of National Defense when necessary.<sup>40</sup>

## DELAWARE

There was a very early, 1852, provision in Delaware concerning dangerous occupations. Fifteen was made the minimum age for rope or wire walking, dancing, etc. The list was the usual one of all occupations considered injurious to health or morals. These provisions were later renewed,<sup>1</sup> but remained substantially unchanged.

After this first early start there was quite a lapse of any legislative action in this field. In 1905 a general minimum age of 14 years was established for employment in any gainful occupation, and the hours were limited to 9 a day and 54 a week for all under 16 years of age.<sup>2</sup> Special provisions covering factory work held the same minimum age and maximum hours, but demanded certain educational and physical requirements. Employed children between 14 and 16 years of age had to show that they had attended school during the year previous to employment at least 5 days or evenings every week for 12 weeks. Certificates of age and attendance were required to establish the fulfillment of these requirements. The hours were to be posted and all provisions enforced by an inspector appointed by the governor. In case of children under 16 who seemed physically unfit the inspector, should he deem it necessary, could demand a certificate of physical fitness from some regularly licensed physician. On failure to obtain such certificate, employment could be withheld. To aid enforcement, a register was required to be kept for all children under 16. To this law, however, there were two exemptions. Special poverty permits could be granted to children under 16 who supported a widowed mother. Canning and preserving fruits and vegetables, and making fruit or berry baskets, were exempted from the provisions of this act.<sup>3</sup>

In 1909 a new law was enacted covering minimum age, hours, and night work in factories, workshops, etc., but the provisions were practically the same as those of the 1905 law. The same minimum age and maximum hours prevailed, but agriculture and domestic service were added to the exemptions. Night work was prohibited under 16 between 6 p. m. and 7 a. m. The required school attendance was increased from 60 to 140 days, and ability to read and write and do simple problems in arithmetic was included in the educational requirements. Certification requirements were unchanged.<sup>4</sup>

The 1913 law held the same provisions as to age, hours, night work, and certificates, but the provisions were made to cover restaurants, messenger service, construction, and navigation as well as stores and factories.<sup>5</sup> The same act established a minimum age of 12 for employment in canneries or packing establishments, exempting the canning of perishable fruits and vegetables. The street trades provisions of the act allowed girls of 14 and boys of 12 to engage in selling newspapers and girls of 16 and boys of 14 to engage in other street trades. Night work in the messenger service was prohibited for persons under 18 between 10 p. m. and 6 a. m. "In case of need" special permits could be issued to younger children, yearly. The minimum age for dangerous occupations was raised to 15; for theatrical

<sup>35</sup> 1917 C 206

<sup>36</sup> 1917 C 320

<sup>37</sup> 1917 C 207

<sup>38</sup> 1917 C 261

<sup>39</sup> 1917 C 320

<sup>40</sup> 1917 C 326

<sup>1</sup> R C 1893 C 150

<sup>2</sup> 1905 C 123

<sup>3</sup> Ibid

<sup>4</sup> 1907 C 121

<sup>5</sup> 1913 C 103

performances to 16, unless a special permit was granted; for saloons, 22; and for occupations demanding constant standing, 18 was the minimum age for girls. The board of health was granted the right to add to the list of industries prohibited for children under 15.

In 1915 the minimum age for mines and quarries was set at 14.<sup>6</sup> The child labor commission was abolished, but a "labor commission" composed of 5 members was created. The duties of this commission were: To appoint officials under any law relating to the condition, regulation, or inspection of the labor of minors and females; to appoint a child labor inspector whose term was raised from 2 to 4 years; to print abstracts of laws relating to hours of child labor and conditions and hours of labor of females.<sup>7</sup>

In 1917 the old law relating to hours of labor for women was amended by extending the list of occupations affected to restaurants, hotels, offices, places of amusement, and dressmaking establishments; and by adding a provision for a maximum of 6 days a week, time for meals, and a prohibition of night work between 10 p. m. and 6 a. m.<sup>8</sup> The important changes in the new child labor law were as follows: The application of the act was extended to all establishments or occupations except agricultural pursuits, domestic service in private homes, and employment over 12 in fruit and vegetable canneries; a maximum of 10 hours a day was added to the 54-hour and 6-day week provision; the night work prohibition was changed from between 6 p. m. and 7 a. m. to between 7 p. m. and 6 a. m.; the list of dangerous occupations forbidden under 15 years was extended, including even some occupations formerly forbidden under 14; certain other specially hazardous occupations were forbidden under 18; the labor commissioner, instead of the State board of health, was to determine what occupations were dangerous to children under 15; in cities of 20,000 or over, night messenger service was prohibited under 21 instead of 18 as formerly; vacation certificates were no longer mentioned, but certificates were of two kinds—*general*, issued to children between 14 and 16 years of age and permitting employment at any time, and *provisional*, issued to girls from 14 to 16 and to boys from 12 to 16, permitting employment in occupations not dangerous at any time school is not in session; the promise of employment was required for certification; the educational requirement was raised to 5th grade; the evidence of age was improved so as to comply practically with the Federal requirements; the specific street trades provision was omitted; the minimum age in mines and quarries was raised from 14 to 15.<sup>9</sup> Another 1917 act provided the usual sanitary regulations for manufacturing and mercantile establishments in which women were employed.<sup>10</sup>

## DISTRICT OF COLUMBIA

The first protective measure set a minimum age of 14 for certain dangerous occupations—acrobat, contortionist, circus rider, rope walker, or exhibition dangerous to character, such as beggar, mendicant, pauper, street singer, or musician.<sup>1</sup> A few years later minors under 16 and females were forbidden to sell drinks.<sup>2</sup> In 1901 the dangerous occupation provisions previously passed were reenacted but remained practically the same.<sup>3</sup> About 5 years later a compulsory school attendance law was passed requiring children 8 to 14 to attend public school unless they had received equivalent instruction elsewhere or had already acquired certain branches of learning or were physically or mentally incapable of attending.<sup>4</sup> In 1910 the enforcement of these provisions was intrusted to two detailed privates of the police force. When we consider the inadequacy of this enforcing agency, which continues to the present day, we realize one source of weakness in all District child-labor laws.

In 1908 a minimum age of 14 was established for factories, workshops, mercantile establishments, stores, business or telegraph offices, restaurants, hotels, theaters, laundries, clubs, apartment houses, bowling alleys, boot-

<sup>6</sup> R C 1915 C 90

<sup>7</sup> 1915 C 66

<sup>8</sup> 1917 C 230

<sup>9</sup> 1917 C 232

<sup>10</sup> 1917 C 231

<sup>1</sup> U S Stats 1883-5 C 58

<sup>2</sup> U S Stats 1891-3 C 204

<sup>3</sup> Code 1901-2

<sup>4</sup> U S Stats 1905-07 C 3054

black stands, and messenger service. A general minimum of 14 years was likewise established for all occupations during school hours, but the strength of this provision was seriously impaired by the allowing of poverty permits. Certificates issued by the superintendent of schools had to be kept by employers for children under 16. Affidavits were accepted only when there was no documentary evidence of age. Night work between 7 p. m. and 6 a. m. was prohibited for children under 16. Eight hours a day and 48 hours a week was the established maximum for all under 16. To enforce, truant officers and inspectors were required to visit establishments and punish violations. Street trades included bootblacking, selling newspapers, magazines, goods, or wares upon the streets. Boys under 10 and girls under 16 could not engage in such occupations. Boys under 16 had to have a permit and badge, and could not work between 10 p. m. and 6 a. m.<sup>1</sup>

## FLORIDA

The Southern States have not been as active in passing labor legislation as other sections. In 1901 a minimum age of 14 was demanded for employment in dangerous occupations.<sup>1</sup> Some years later, 1907, was passed a prohibition of children under 12 in manufacturing, mining, or any gainful occupation. At the same time a night work provision forbade the employment of children under 12 between the hours of 9 p. m. and 6 a. m. This general minimum age of 12 held only during school sessions. In vacations a special permit could be secured from the court on receipt of a certificate from a practicing physician. This permit and certificate had to be filed with the employer. The enforcing agents were the sheriff, the town marshal, and police officers.<sup>2</sup>

In 1913 factories, laundries, street trades, messenger service, theaters, mines, and dangerous occupations were regulated by law. Fourteen was made the minimum age for factories, laundries, or on the stage. Nine hours a day and 54 a week were allowed in factories, laundries, and mines. Night work between 8 p. m. and 5 a. m. was prohibited and certificates required for children under 16. Different minimum ages were demanded for street trades, messenger service, employment in bar rooms, and dangerous occupations: 10 for boys and 16 for girls in selling newspapers, 12 for both boys and girls in stores and offices, or as messengers; 16 in a number of other dangerous occupations; and 21 in bar rooms. Night work between 10 p. m. and 5 a. m. was prohibited in messenger service under 18. Local officers and State labor inspectors investigated and imposed a fine of \$50 for illegal employment.<sup>3</sup>

An exemption passed in 1915 freed from the compulsory education law any child whose services were necessary for his own or his parents' support.<sup>4</sup> Also in 1915 the law extended this prohibition of employment under 21 to poolrooms, billiard rooms, breweries, and places where intoxicating liquors were manufactured or sold. This act was required to be posted in the places of prohibited occupations. The State labor inspector was the enforcing agency.<sup>5</sup>

## GEORGIA

Georgia made a start as early as 1853. The hours in manufacturing establishments and machine shops for all persons under 21 was limited from "sunrise to sunset," with the customary hours for meals being allowed.<sup>1</sup> While this restriction was not of tremendous importance it showed a step in the right direction. In 1878 the minimum age for engaging in occupations dangerous to either health or morals was established at 12 years.<sup>2</sup>

<sup>1</sup> 1908 C 209

<sup>2</sup> 1901 C 4971

<sup>3</sup> 1907 C 5686

<sup>4</sup> 1913 C 6488

<sup>5</sup> 1915 C 6831

<sup>6</sup> 1915 C 6918

<sup>1</sup> 1853 C 4

<sup>2</sup> 1882 s 4612 f

Two years later special provision for bar rooms was made prohibiting children under 21 being employed therein.<sup>3</sup> An 11-hour day and 66-hour week was established in cotton and wool manufacturing industries in 1889.<sup>4</sup> A 1906 law raised the minimum age in factories to 12, but poverty exempted from the provisions.<sup>5</sup> Night work was forbidden between 7 p. m. and 6 a. m. for children under 14 years of age.<sup>6</sup> Certain educational standards were required before employment under 14 was allowed: Ability to write name and simple sentences; attendance of 12 weeks during the preceding year. The last requirement of attendance was demanded of all employed children up to 18 years of age.<sup>7</sup> Affidavits signed by the parent were to be held by the employer. Inspection was a duty of the grand jury of the county.

Messenger service was the next specific occupation awakening interest. In 1910, children under 16 were forbidden to work as messengers between 9 p. m. and 6 a. m.<sup>8</sup> The next year the 66-hour week in cotton and woolen mills was reduced to a 60-hour week—engineers, watchmen, and those making necessary repairs exempted.<sup>9</sup>

A more general list of occupations than heretofore came under legal regulation in 1914—mills, factories, laundries, manufacturing establishments, and places of amusement.<sup>10</sup> Fourteen was the minimum age, poverty exempting children over 12. Night work between 7 p. m. and 6 a. m. was forbidden for children under 14½.

A more or less elaborate certificating system came into effect at the same time.<sup>11</sup> Employment certificates were required for children under 14½ years. They were to be issued by the local school superintendent and show evidence of the child's age and required school attendance (12 weeks). The certificate also showed the name, date, place of birth, and name and address of parent or guardian. The employer had to keep this on file and accessible to the enforcing authority.<sup>12</sup> In a later act more conclusive proof of age was demanded.<sup>13</sup>

The first compulsory education law appeared in 1916.<sup>14</sup> It demanded at least 4 months of school attendance from all children between 8 and 14 years of age, but the law was so choked by exemptions as to render it practically useless. The exemptions included: The completion of the 4th grade; services necessary for support of the family; parents unable to procure books or clothing; home three miles from school; sickness; physical or mental incapacity. Together with these numerous exemptions it was likewise provided that the local board of education could excuse "for good reason," and this board was specifically requested to consider the need for agricultural labor in excusing a child.

An enforcement provision in 1916 gave the commissioner of commerce and labor authority to appoint one factory inspector to aid in the enforcement of the child labor law. Formerly there was no specific provision for enforcement.<sup>15</sup>

## IDAHO

Mining conditions aroused the first interest in the legal protection of child workers. An 1889 provision made 14 the minimum age for employing children underground in mines.<sup>1</sup> Considerably later, 1907, the minimum age of 14 was extended to factories, workshops, laundries, restaurants, hotels, messenger service, manufacturing and mercantile establishments, offices, and street trades. When schools were in session every gainful occupation was forbidden to children under 14, but the age minimum was lowered to 12 in vacation times. For extra hazardous occupations the age minimum was raised—to 16 in theatrical performances and to 21 in saloons. A 9-hour day and 54-hour week was established for children under 16, and night work was prohibited between 9 p. m. and 6 a. m. An educational requirement demanded that children under 16, in order to be employed legally, must be

<sup>3</sup> 1880-1881 No 151

<sup>4</sup> 1889 No 599

<sup>5</sup> 1906 No 399

<sup>6</sup> Ibid

<sup>7</sup> Ibid

<sup>8</sup> 1910 No 486

<sup>9</sup> 1911 No 279

<sup>10</sup> 1914 No 426

<sup>11</sup> Ibid

<sup>12</sup> Ibid

<sup>13</sup> 1914 No 466

<sup>14</sup> 1916 No 576

<sup>15</sup> 1916 No 547

<sup>1</sup> 1889 Act 13

able to read and write. To facilitate enforcement, lists of child employees under 16 were required to be kept by employers. Enforcement was carried out through probation officers, school trustees, or reputable citizens, and the cases tried in the probate court.<sup>2</sup>

A new child-labor law was enacted in 1911, but the provisions were substantially those of 1907. The same minimum age and night work restrictions prevailed.<sup>3</sup> The provisions for compulsory schooling, however, were new. Children between the ages of 8 and 16 were required to attend school unless they had completed the 8th grade or their help was necessary for their support or that of their parents.<sup>4</sup> In 1915 the governor was authorized by law to appoint a commission to study the wages of women and minors.<sup>5</sup>

The compulsory school attendance law was somewhat changed in 1917.<sup>6</sup> Children between 8 and 16 years of age were required to attend school the entire session unless: (1) The child was 15 and had completed the 8th grade; (2) the child was 15 and his services were necessary for the support of himself or his parents; (3) the child was 15 and exemption would be for his "best interests"; (4) the child was physically or mentally incapacitated. This amended the former 1911 law by lowering the upper age limit from 18 to 16 and by raising the age when a child could be exempted from 14 to 15.

## ILLINOIS

As is the case with a majority of the States, Illinois' first regulations were in dangerous occupations. The year 1877 marked the start. No child under 14 was allowed in any occupation injurious to health or dangerous to life or limb. Certain specified occupations were also forbidden: Singing, playing on musical instruments, rope and wire walking, begging, peddling, acting for obscene, immoral, or indecent purposes.<sup>1</sup> Boys of 12, however, were allowed in mines, but no females.<sup>2</sup> Two years later the same provision was reenacted with the added requirement of ability to read and write for boys under 14.<sup>3</sup> In 1883 the minimum age in mines was raised from 12 to 14, and an affidavit of age was required.<sup>4</sup>

Again in 1887 the same provision was reenacted.<sup>5</sup> In 1891 the employment of children in any gainful occupation was regulated. A minimum age of 13 was established, but exemptions on account of poverty were allowed.<sup>6</sup> In 1893 the minimum age in factories and workshops was raised to 14, and the hours for females became limited to 8 a day and 48 a week. The inspector was authorized to demand certificates of physical fitness for children who seemed to him unable to perform their work.<sup>7</sup>

In 1895 an amendment was made to the law of 1877 exempting schools, churches, and music classes from the general prohibition of "singing, playing, on musical instruments," etc.<sup>8</sup> In 1896 the minimum age in mines was reduced from 14 to 12, but the minimum age of 14 was retained for "dangerous occupations in general."<sup>9</sup> In 1897 the provision for a minimum age of 14 in factories and workshops as previously established in 1893, was extended to cover stores, laundries, and workshops. A ten-hour day and 60-hour week was established for all under 16 in "any gainful occupation." Enforcement was through the State inspector.<sup>10</sup> In 1899 the minimum age in mines was again set at 14 for boys, and females were entirely prohibited.<sup>11</sup> A provision for seats for girls employed in factories, stores, offices, etc., was enacted into law in 1901.<sup>12</sup>

In 1903 a new and improved child-labor law was passed. Fourteen was, as before, the established minimum in certain specified occupations: Factories, stores, theaters, hotels, offices, etc. No child was allowed in any gainful occupation during school hours. Sixteen was the age minimum

<sup>2</sup> 1907 No 134

<sup>3</sup> 1911 C 159

<sup>4</sup> Ibid

<sup>5</sup> 1915 C 136

<sup>6</sup> 1917 C 12

<sup>7</sup> 1877 p 90

<sup>8</sup> 1877 p 140

<sup>9</sup> 1879 p 207

<sup>10</sup> 1883 p 116

<sup>5</sup> 1887 p 233

<sup>6</sup> 1891 p 87

<sup>7</sup> 1893 p 100

<sup>8</sup> 1895 p 153

<sup>9</sup> 1896 C 38

<sup>10</sup> 1897 p 90

<sup>11</sup> 1899 p 320

<sup>12</sup> 1901 p 231

for dangerous occupations in general. The maximum hours for children under 16 in all gainful occupations was 8 a day and 48 a week, nor was employment between 7 p. m. and 7 a. m. allowed. The certification provisions demanded that employers keep on file age and schooling certificates for children between 14 and 16 years of age. The superintendent of schools was the issuing officer and demanded documentary evidence of the child's age. The parent's affidavit was accepted only in case documentary evidence was unobtainable. The educational requirements demanded that children under 16 who could not read or write should attend evening school. In event of there being no evening school, they could not be employed during school hours. The State factory inspectors enforced the provisions.<sup>13</sup>

The minimum age for mining was raised to 16 in the year 1905. This age pertained only to boys—girls were still prohibited entirely.<sup>14</sup> The Illinois department of factory inspection was created in 1907.<sup>15</sup> As in 1903, the 1909 law demanded the attendance at evening school of employed children of 14 to 16 years of age who were unable to read and write.<sup>16</sup> In 1911 the evidence of age requirement for employment in mines was made stricter. Birth or baptismal certificate, passport, or other documentary proof was demanded.<sup>17</sup>

An entirely new child-labor law was enacted in 1917. The important changes were as follows: (1) The night work prohibition was changed to "from 6 p. m. to 7 a. m.," instead of "from 7 to 7," and a 6-day week was added; (2) application of the act was extended to include mills and canneries; (3) certificate requirements were made more strict—promise of employment was demanded, the educational requirement raised to 5th grade, a certificate of physical fitness required, evidence of age made to conform practically with the Federal standard, and the certificate was required to be returned to the issuing officer on termination of employment; (4) the minimum age of 16 was fixed for employment in any mine or quarry. Heretofore the provision pertained only to coal mines and there was no regulation for quarries.<sup>18</sup>

The industrial survey commission was created in 1917 to study the conditions of women in industry with special reference to hours.<sup>19</sup>

## INDIANA

Indiana also commenced her legislative action in the province of child labor with mining restrictions. The minimum age was set at 14 in 1879 and the hours for children under 18 were limited to 10 a day.<sup>1</sup>

A peculiar and contradictory law was enacted in 1885. It provided that 12 should be the minimum age in manufacturing iron, nails, steel, metals, machinery, and tobacco, and at the same time provided that no child under 12 should work more than 8 hours a day.<sup>2</sup>

In 1889 a variety of minimum ages were set for dangerous occupations. For employment underground in mines the age was lowered from 14 to 12. A minimum age of 15 was established for employment in dance houses, houses of assignation, saloons, theaters, where liquor was sold, etc. Eighteen was established as the minimum for begging, singing, and playing on the streets.<sup>3</sup>

In 1891 the minimum age in mines was again raised to 14 for boys, and girls were prohibited entirely. Affidavits of age were required.<sup>4</sup>

The contradictory law of 1885 was amended by an act of 1893, which raised the minimum age in the manufacture of iron, etc., from 12 to 14.

For manufacturing establishments certain regulations were enacted in 1897. The minimum age of 14 was established, and likewise a 10-hour day and 60-hour week for boys under 16 and girls under 18. It was demanded that the hours be posted. A register of child employees between 14 and

<sup>13</sup> 1903 p 187

<sup>14</sup> 1905 p 326

<sup>15</sup> 1907 p 310

<sup>16</sup> 1909 p 413

<sup>17</sup> 1911 H B 544

<sup>18</sup> 1917 p 511

<sup>19</sup> 1917 p 519

<sup>1</sup> 1879 C 10

<sup>2</sup> 1885 C 18

<sup>3</sup> 1889 p 363

<sup>4</sup> 1891 C 49

<sup>5</sup> 1893 p 147

16 years was required to be filed with the employer. Children under 16, unable to read and write, could not be employed except in vacation time. If a child seemed unable to perform his work, the inspector was authorized to demand a certificate of physical fitness. A minimum age of 15 was established for operating an elevator, and this was raised to 18 in case the speed exceeded 100 feet a minute. A factory inspector appointed by the governor enforced these provisions.<sup>6</sup> Two years later this whole act was repealed and a new one substituted.<sup>7</sup> The new law made few changes. The hours were the same except for the addition of a night work prohibition between the hours of 10 p. m. and 6 a. m. for girls under 18. The minimum age of 14 was extended to include both mines and quarries. All other provisions were as previously enacted in 1897. In 1901 the department of inspection was created to carry out the provisions of the act of 1899.<sup>8</sup> In 1905, as previously, 14 was stated as the minimum age for boys in mines, and girls were prohibited entirely.<sup>9</sup> When there was any doubt regarding age, a parent's affidavit was required.

The first general regulations covering any gainful occupation were enacted in 1911. The minimum age was 14 except for farm and domestic service. Children 12 to 14 were allowed in canning industries between June 1 and October 1. Certain injurious and dangerous occupations were forbidden for girls under 18. The hours established for children under 16 were 9 a day and 54 a week. Children working without the consent of their parents were limited to an 8-hour day and 48-hour week.<sup>10</sup> For all under 16 night work between 6 p. m. and 7 a. m. was forbidden.

A new school requirement passed in 1913 demanded the completion of 5th grade for the legal employment of children "of" 14 years. Promise of employment was also required and employed youths of 14 to 16 could be required to attend vocational classes 5 hours weekly between 8 a. m. and 5 p. m.<sup>11</sup>

A 1914 revision provided an 8-hour day for children 12 to 14.<sup>12</sup>

## IOWA

Iowa followed the general rule. Her first legal prohibition of child employment was in the field of mines. In 1874 no boy under 10 and no girl was allowed to work in mines. A proof of age was demanded and a fine imposed for violation.<sup>1</sup> Six years later the minimum age was raised to 12.<sup>2</sup> A 1902 statute raised the age for certain dangerous occupations to 16.<sup>3</sup> Sixteen was the minimum for operating dangerous machinery, and for girls, 18 was the minimum for cleaning machinery in motion. In 1906 a more general law was passed covering employment in mines, factories, mills, shops, laundries, packing or slaughter houses, stores, mercantile establishments, elevators, and dangerous occupations.<sup>4</sup> The minimum age was raised to 14, and even to 16 in occupations in which the health might be injured or morals depraved, or in the handling of gunpowder, dynamite, or other explosives. No girl under 16 could be employed in occupations demanding constant standing. The hours were limited to 10 a day except in husking sheds and canning factories. There was likewise a provision for a half-hour intermission at noon in labor extending over 5 hours. Night work between 9 p. m. and 6 a. m. was forbidden.

To insure enforcement, lists of children under 16 were required to be kept and the inspector could require proof of age. The commissioner of labor statistics was charged with enforcement. In 1909 more definite proof of age was demanded.<sup>5</sup> The parent's affidavit was accepted only when the birth record, baptismal record, or attested school record was absolutely unobtainable.

<sup>6</sup> 1897 C 65

<sup>7</sup> 1899 p 231

<sup>8</sup> 1901 C 28

<sup>9</sup> 1905 C 50

<sup>10</sup> 1911 C 209

<sup>11</sup> 1913 C 213

<sup>12</sup> 1908 R S 2213 1914 R S 2619

<sup>1</sup> 1874 C 31

<sup>2</sup> 1880 C 202

<sup>3</sup> 1902 C 149

<sup>4</sup> 1906 C 103

<sup>5</sup> 1909 C 145



The first school provision was enacted in 1913.<sup>6</sup> It demanded that children 16 to 18 must attend school unless they had completed the 8th grade or were regularly employed.

The first regulation of street trades occurred in 1915.<sup>7</sup> The minimum age for boys was 11 and for girls 18 in cities of 10,000 or more. Exemptions could be made in exceptional cases for boys under 11 in cities having a superior or municipal court, on recommendation of the judge of that court. Boys between the ages of 11 and 16 to be legally employed had to show that they were attending school regularly, and that their work would not interfere with their progress at school. A badge had to be worn as evidence of the permit to work between 4 a. m. and 7.30 p. m. on days when public school was not in session, and until 8.30 p. m. in vacation time. The enforcement lay with the truant officers. The same year legislation was enacted covering employment in livery stables, garages, places of amusement, messenger service, dangerous occupations, and general occupations hitherto prohibited to children under 14. The law prohibiting certain occupations under 14 was extended to cover garages, etc. Exemptions were made, however, for children whose parents owned and operated the establishment in which they worked.<sup>8</sup> Likewise, the list of occupations prohibited to children under 16 was extended to include mines during the school term, hotels, bowling alleys, pool or billiard rooms, and occupations dangerous to life or limb. The age under which females might not be employed in occupations requiring continued standing was raised from 16 to 21.<sup>9</sup>

Children under 16 could not be employed in occupations previously prohibited to children under 14 before 7 a. m. or after 6 p. m. (previously between 6 a. m. and 9 p. m.), nor could they be employed more than 8 (previously 10) hours a day nor more than 48 hours a week. The exemption of canning factories where no machinery was operated was stricken out from the provisions applicable to children under 16.<sup>10</sup> Work permits were to be issued by the superintendent of schools or authorized person for every position obtained by a child between the years of 14 and 16, and the requirements were: (1) The written agreement of the employer to employ, (2) a school record showing the completion of 6 yearly grades, ability to read and write, date of birth, name, residence, name of parent; (3) medical certificate of sound health; (4) evidence that child was 14.<sup>11</sup>

The provisions regarding the posting of lists of employees under 16 were amplified.<sup>12</sup>

## KANSAS

The first three legal provisions in the realm of child labor concerned dangerous occupations. The very first in 1883 established a minimum age of 12 for mining and further required employed children between 12 and 16 years of age to be able to read and write and furnish a certificate showing that they had attended school for 3 months of the year.<sup>1</sup> In 1889, 14 was established as the minimum age in exhibitions of a dangerous character, as beggar, mendicant, street musician, or singer.<sup>2</sup> In 1905 the minimum age for dangerous occupations was raised to 16, and 14 was established for certain other occupations such as in factories, packing houses, or mines. Certificates of age were demanded and had to be kept on file. The State inspector enforced the law.<sup>3</sup>

In 1909 a general minimum age of 14 was established for all occupations during the time school was in session, and for certain occupations—factories, workshops, theaters, packing houses, mines, elevators at all times. Sixteen continued to be the minimum age for dangerous occupations. The hours for children under 16 were 8 a day, 48 a week, and night work between 6 p. m. and 7 a. m. was prohibited. Certificates, showing the child's age,

<sup>6</sup> 1913 C 255

<sup>7</sup> 1915 Sup Code s 2477-a1

<sup>8</sup> 1915 Sup Code s 2477-a2

<sup>9</sup> 1915 Sup Code s 2477-b

<sup>10</sup> 1915 Sup Code s 2477-c

<sup>11</sup> 1915 Sup Code s 2477-d

<sup>12</sup> Ibid

<sup>1</sup> 1883 C 117

<sup>2</sup> 1889 C 104

<sup>3</sup> 1905 C 278

had to be obtained by the employer from the superintendent of schools. The same enforcing agency and penalties prevailed.<sup>4</sup>

A more rigid standard was enforced in 1915 making it unlawful to employ minors under 18 under conditions of labor detrimental to their health or welfare. The duty of enforcement was changed from the State inspector to the industrial welfare commission which was created to establish and enforce standards.<sup>5</sup>

An entire new child-labor law was enacted in 1917.<sup>6</sup> The important changes were as follows: (1) Hotels, restaurants, and mercantile establishments were added to the employments in which children under 16 could not work over 8 hours a day or 48 hours a week or between 6 p. m. and 7 a. m.; (2) the exemption of factory or workshop owned by parents was eliminated; (3) "mill" and "cannery" were added to the list of occupations prohibited under 14; (4) the minimum age in mines was raised from 14 to 16 and a new minimum age of 16 established in quarries; (5) a new certificate law was enacted—heretofore certificate provisions were very poor, requiring only a certificate of age based on the school census or on the parent's affidavit—the evidence of age had to comply with the Federal regulations; the certificate could be issued by the local superintendent of schools or a representative, or by the judge of the juvenile court. The educational requirement, except for work permits "when school is not in session" demanded the completion of the 8th grade. To facilitate enforcement, the certificate had to be returned to the issuing officer upon termination of the child's employment. An 8-hour day was established the same year in lead and zinc mines. Exemptions were made in cases of emergencies, but extra pay was demanded for overtime.<sup>7</sup>

## KENTUCKY

In 1894 Kentucky established a minimum age of 16 in dangerous occupations—begging or receiving alms, peddling, wandering, indecent or immoral occupations, or in any practice of unusual danger to life, limb, health, or morals. All females were forbidden in peddling or wandering occupations.<sup>1</sup>

A minimum age of 14 in manufacturing and mercantile establishments and mines was established in 1902. The law, however, was rendered practically useless by the clause allowing the employment of children under 14 if the parent or guardian and county judge consented in writing to such employment. This employment was, however, subject to the approval of the county attorney, and in event of complaint, he could decide whether or not it was against the best interests and moral welfare of the child. An employer who did not know the age of the child had to demand a sworn statement from the parent or guardian.<sup>2</sup>

A more valuable minimum age law was passed in 1906. Unless a child had no other means of support, 14 was the minimum age for employment in factories, mines, mercantile establishments, telegraph, telephone, or messenger service, laundries, or printing establishments. This restriction applied only when school was in session. Vacations were exempted. In occupations dangerous to health and morals, the minimum age was raised to 16. Operating an elevator and serving or assisting in serving bills were specifically mentioned as dangerous occupations. The county physician was to act as referee between the inspector and the proprietor. A register of the child employees together with the parent's affidavits had to be kept on file by the employers. The inspector, if he deemed it necessary, could demand a certificate of physical fitness from a city or county physician for any specific child. The hour restriction made 10 a day and 6 a week the maximum under 16 years. Night work also, for children under 16, was prohibited between the hours of 7 p. m. and 6 a. m. And the hours were required to be posted. This act did not apply to the canning of fruits and vegetables in season or to the delivery of tobacco to warehouses.<sup>3</sup>

<sup>4</sup> 1909 C 63

<sup>5</sup> 1915 C 275

<sup>6</sup> 1917 C 227

<sup>7</sup> 1917 C 242

<sup>1</sup> 1894 C 18

<sup>2</sup> 1902 C 16

<sup>3</sup> 1906 C 52

The age and hour provisions of the 1908 law<sup>4</sup> did not differ radically from those of 1906. The same minimum age and maximum hours prevailed. The night work provision changed slightly, banning employment between 7 p. m. and 7 a. m. instead of 7 p. m. and 6 a. m. A new and inclusive certification system was established. Employment certificates were required for children 14 to 16 in factories, workshops, mines, and mercantile establishments, to be returned to the child at the termination of employment. This was a bad provision. Children apparently under 16 could be requested by the inspector to show their certificates. The school authorities issued certificates on receiving, (1) the school record certifying attendance of 100 days prior to becoming 14 or ability to read and write simple sentences in English, and (2) documentary proof of age—passport or certificate of birth or baptism. The parent's affidavit was accepted only when this proof could not be obtained. After examining the child's educational requirements, the issuing officer was to issue a statement that he had reached the normal physical development, was in sound health, and physically able to do intended labor. In doubtful cases fitness could be determined by a medical officer of the board of health, or other county physician. Inspectors and truant officers were the enforcing agency. This act repealed the act of 1902. The act of 1910 merely repeated the requirement of employment certificates for children from 14 to 16.<sup>5</sup>

In 1912 the hour provision of 10 a day and 60 a week was extended to females under 21 and covered all gainful occupations except domestic service and nursing.<sup>6</sup> Nineteen fourteen was a year of much legislative action. For the first time, 14 was established as the minimum age for any gainful occupation during the school term. The regulations were enforced by labor inspectors assisted by truant officers.<sup>7</sup> Specific regulations covering street trading forbade the employment of boys under 14 and of girls under 18 in cities of the first, second, or third class.<sup>8</sup> Boys between the ages of 14 and 16 had to wear badges. The labor inspectors, truant officers, and juvenile court probation officers were all charged with enforcement. The same act established 16 as the minimum for mines, and named the same enforcing agents. The restriction of employment in factory, mill, workshop, theater, etc., set 14 as the minimum age and 16 unless an employment certificate was filed with the employer. The hours for those under 16 were 8 a day and 48 a week and 6 days a week. The night work prohibition was also improved forbidding employment between 6 p. m. and 7 a. m. instead of between 7 p. m. and 7 a. m. Employment certificates, required as before for children between 14 and 16, had to contain: Evidence of the completion of 5 yearly grades or their equivalent; proof of age; written statement of the employer's intent to employ, and a health certificate. Different minimum ages were established for different dangerous occupations. Sixteen was the general minimum, but employers of children under 21 had to maintain certain safety devices. For cleaning moving machinery, 18 was the minimum; for messenger service between 9 p. m. and 6 a. m., 21 was the minimum. Twenty-one was likewise the minimum for the employment of girls in work demanding constant standing.

In 1916 a special provision allowed non-resident children under 16 to perform in duly licensed theaters if properly accompanied by parent or other custodian. The child-labor law heretofore prohibited a child under 14 from performing in theaters, and the certificate, hour, and night work provisions of the child-labor law all applied to theaters.<sup>9</sup>

The compulsory school attendance law of 1915 was repealed and reenacted without change in 1916.<sup>10</sup> Provision was made for a biennial school census instead of an annual one as formerly.

The requirements for employment certificates were somewhat changed in 1918.<sup>11</sup> Certificates could be issued to children over 16. Application in person and accompaniment by parent or guardian was demanded. The evidence of age requirement was changed. Instead of permitting the issuing officer to accept the school census, school record, or parent's affidavit,

<sup>4</sup> 1908 C 66

<sup>5</sup> 1910 C 85

<sup>6</sup> 1917 C 77

<sup>7</sup> 1914 C 72

<sup>8</sup> Ibid

<sup>9</sup> 1916 C 23

<sup>10</sup> 1916 C 24

<sup>11</sup> 1918 C 102

the evidence was made to conform to the standard fixed for the Federal law. The requirement of the physician's certificate of physical fitness was omitted, apparently inadvertently.

## LOUISIANA

In 1886 certain restrictions were placed on ages and hours of employment in manufacturing establishments.<sup>1</sup> A minimum age of 12 was established for boys and 14 for girls, and the hours for all under 18 restricted to 10 a day and 60 a week with an hour period allowed each day for dinner. Children under 14 employed in factories, warehouses, workshops, clothing, dressmaking, and military establishments were required to attend school 4 months of the preceding year, and certificates of such attendance had to be kept on file by employers. The chief officer of the police enforced the provisions.

In 1892 the minimum age was raised to 15 for certain dangerous occupations—rope or wire walking, riding or performing as a gymnast, contortionist, acrobat, in any theater, circus, or public place.<sup>2</sup> The same year a minimum of 12 was established for operating or cleaning machinery in motion.<sup>3</sup>

Two years later an act was passed prohibiting females in saloons.<sup>4</sup> In 1902 an hour law<sup>5</sup> was passed substantially the same as the act of 1886. Again in 1906 the provisions of the 1886 law were re-enacted, retaining the same minimum age and hours.<sup>6</sup>

The first night work restriction occurred in 1908.<sup>7</sup> It prohibited boys under 16 and girls under 18 from working between the hours of 7 p. m. and 6 a. m. Also the age and hour restrictions previously in force were extended to cover more occupations—concert halls, places where intoxicating liquors are sold, bowling alleys, bootblack establishments, freight or passenger elevators, messenger service, or any other occupation which might be deemed unhealthful or dangerous. Certificates were required for children of 14 to 18 for which a parent's oath was accepted only when no other evidence could be secured. If it appeared to an inspector that a child was under age he could require a certificate from a city or parish physician that the child was fit to perform the work he was required to do.

In 1912 a restriction was made against the employment of children under 16 in theatrical exhibitions. The prohibition also extended to billiard and pool rooms and employment as a musician in any concert. Exemption was made if a permit had been secured from the judge of the juvenile court. A non-resident child had to be accompanied by a parent or guardian, and evidence was required that he was receiving proper instruction in common school studies.<sup>8</sup> No child under 17 could enter or be employed in any place where billiards or pool games were played.<sup>9</sup>

A school attendance law applying merely to the parish of New Orleans was enacted in 1913.<sup>10</sup> Children 14 to 16 had to attend school unless regularly or lawfully employed for at least 6 hours each day in some useful employment or service. In 1913 the provisions of 1912 concerning employment in pool and billiard rooms, theaters, etc., were re-enacted.<sup>11</sup>

In 1914 hotels and restaurants were added to the list of occupations prohibited under 14 and the exemption of domestic industries was stricken out. Otherwise, the provisions previously enacted remained practically unchanged.<sup>12</sup> A compulsory school attendance law was enacted, applying only to cities of over 250,000 outside the Parish of Orleans.<sup>13</sup> The required attendance was for 4 months if separate schools for the races were open for four months; otherwise, the "public school term." Poverty and physical or mental incapacity exempted from the provisions of this act.

In 1916 a few changes were made in the law covering factories, workshops, etc.<sup>14</sup> The night work prohibition was extended to cover the hours

<sup>1</sup> 1886 No 43

<sup>2</sup> 1892 C 59

<sup>3</sup> 1892 C 50

<sup>4</sup> 1894 A 43

<sup>5</sup> 1902 No 49

<sup>6</sup> 1906 No 34

<sup>7</sup> 1908 No 301

<sup>8</sup> 1912 No 184

<sup>9</sup> 1912 No 25

<sup>10</sup> 1913 No 232

<sup>11</sup> 1913 No 184

<sup>12</sup> 1914 No 133

<sup>13</sup> 1914 No 91

<sup>14</sup> 1916 No 177

between 6 p. m. and 7 a. m., instead of as formerly between 7 p. m. and 6 a. m. Stores and mercantile establishments in which more than 5 persons were employed were exempted on Saturday nights. The law previously exempted all stores and mercantile establishments, not only on Saturdays, but also 20 days before Christmas. The minimum age and maximum hours remained the same. The law prohibiting the employment of women and minors in bar rooms, etc., was reworded and strengthened, but the provision practically unchanged.<sup>15</sup> A new compulsory school attendance law was enacted in 1916.<sup>16</sup> Children 7 to 14 years of age (outside the Parish of Orleans) had to attend school 140 days or the entire session if that was less than 140 days unless: (1) The child had completed the elementary course of study; (2) his services were necessary for the support of a widowed mother; (3) there were no adequate school facilities; (4) the home was 2½ miles from school and no free transportation was provided; (5) the child was physically or mentally incapacitated. No provision, however, was made for truant officers.

In 1918 a commission was appointed to investigate the conditions of employment of women and children and report to the 1920 legislature.<sup>17</sup> The same year seats were required for female elevator operators.<sup>18</sup>

## MAINE

Legislative action in Maine began in 1847. Children under 12 had to attend school for 4 months every year, and children from 12 to 15 for 3 months every year. In 1848 a 10-hour day was enacted, but children 6 to 15 who were regularly and lawfully employed were exempted from school. This provision, rather than affording any great protection, would imply a deplorable condition. But 1850 is rather early to look for advanced legislation. In 1883 provisions already in force were re-enacted.<sup>1</sup> The only change was that the compulsory attendance demanded in 1847 was made an educational requirement for legal employment.

In 1887, child labor in manufacturing and mechanical trades was restricted.<sup>2</sup> The minimum age of 12 was established, but until 15 years of age all children had to attend school at least 16 weeks a year and must have attended 12 weeks in the year prior to employment. The 10-hour day and 60-hour week provision was extended to 18 for females and to 21 for all who had not the consent of their parents.

For dangerous occupations the minimum was raised to 16 in 1905.<sup>3</sup> The list of dangerous occupations resembled those of most other States—begging, soliciting, receiving alms, illegal, immoral, or indecent exhibition, the exhibition of any child insane, idiotic, or possessing any deformity, or any occupation dangerous to life, limb, health, or morals.

In 1907 a minimum age of 15 was established for operating elevators.<sup>4</sup> This minimum was raised to 18 for elevators running at a speed of over 200 feet a minute. For employment in manufacturing and mechanical establishments the minimum was definitely settled at 14.<sup>5</sup> A certificate of birth, passport, or baptismal record was required to be presented to the employer by children 14 to 16. No child could be employed without it. These certificates were to be returned to the child at termination of employment. Enforcement was through the inspector of factories and mines. The inspector, in conjunction with the municipal officer, could prohibit employment of children in the manufacture of perishable products (which is not included in the law) if conditions seemed detrimental.

The 1909 law made few changes. The schooling certificate had to show ability to read and write and do simple problems in arithmetic, but the age provisions remained practically the same.<sup>6</sup> The 10-hour law was extended to males under 16 and females under 18. If under 21, the consent of the parents was required for legal employment for more than 10 hours a day.<sup>7</sup> This act did not apply to perishable products.

<sup>15</sup> 1916 No 220

<sup>16</sup> 1916 No 27

<sup>17</sup> 1918 No 126

<sup>18</sup> 1918 No 158

<sup>1</sup> 1883 Rev Stat C 48

<sup>2</sup> 1887 C 139

<sup>3</sup> 1905 C 123

<sup>4</sup> 1907 C 4

<sup>5</sup> 1907 C 46

<sup>6</sup> 1909 C 257

<sup>7</sup> 1909 C 70

In 1911, the school provisions were weakened by allowing age and schooling certificates duly issued to exempt from school attendance.<sup>9</sup> But canneries were no longer exempted from the list of prohibited occupations except in regard to hour restrictions.<sup>9</sup>

Provision for physical examination was made in 1913. In doubtful cases, when age and schooling certificates were applied for, the school authorities could require a physician's certificate of a child's physical ability to perform the intended work.<sup>10</sup>

In 1915 the act providing for the apprenticing of minors was repealed.<sup>11</sup> A new child labor law was enacted covering manufacturing and mercantile establishments, etc., more inclusive than previous provisions but making few changes. The minimum age for employment during school hours was 14 and for legal employment between the ages of 14 and 16, a permit was required. This permit had to be issued by the superintendent of schools or authorized person and had to show: Ability to read and write simple English and to perform simple arithmetic; evidence that child was over 14; a medical certificate of normal development. Vacation permits demanded the same requirements except for educational qualifications.<sup>12</sup>

The hours were reduced from 10 a day and 58 a week to 9 a day and 54 a week for boys under 16 and women, an exception being made in case of different apportionment for the sole purpose of making one day in the week shorter.<sup>13</sup> An exemption was also made for Christmas time covering the dates from December 17th to the 24th and for 8 days prior to Easter in millinery shops. No minor under 16 could work between 6 p. m. and 6 a. m.

No woman could be employed more than 8 hours continuously without an interval of at least one hour except, that 6½ hours were allowed when employment closed at 1.30 p.m. for the rest of the day. The list of employed minors had to be posted in places of employment. This act<sup>14</sup> was suspended by referendum petition, but was passed September, 1916, by vote of the people and supersedes 1903 C.40. A certificate provision enacted in 1917<sup>15</sup> amended the previous law merely by permitting documentary evidence of age approved by the State commissioner of labor to be accepted in case birth or baptismal certificate or passport could not be obtained.

## MARYLAND

In 1874 Maryland established a 10-hour day for children under 16. The law contained a penalty of \$50 for compelling illegal employment. This act, however, did not apply to agriculture, domestic, or mercantile pursuits.<sup>1</sup> Again in 1876 the same provisions were enacted without change.<sup>2</sup> A minimum age of 16 was also established in certain dangerous occupations:<sup>3</sup> Singing, playing on musical instruments, rope walking, dancing, peddling, begging, or any mendicant or wandering business.

In 1888, 10 hours a day was made the maximum for all employees in the manufacture of cotton or woolen yarns or fabrics of any kind, but males over 21 could contract for longer hours if they wished.<sup>4</sup>

Employment in street trades was regulated in 1890.<sup>5</sup> Eight years was the youngest at which one was allowed to be in the company or possession of a person engaged in performing on a musical instrument in, upon, or near a street, or selling goods, wares, or merchandise, on the street and not having a fixed store or place of business.

The 10-hour day law for children under 16 was again re-enacted in 1892.<sup>6</sup> This time the provision was extended to cover mercantile establishments in the city of Baltimore.

In 1894, 12 was made the minimum age in mills and factories, with the exception of the manufacture of canned goods.<sup>7</sup> The strength of the law,

<sup>9</sup> 1911 C 118

<sup>10</sup> 1911 C 55

<sup>11</sup> 1913 C 87

<sup>12</sup> 1915 C 45

<sup>13</sup> 1915 C 327

<sup>14</sup> 1915 C 350

<sup>15</sup> Ibid

<sup>16</sup> 1917 C 146

<sup>1</sup> 1874 C 3

<sup>2</sup> 1876 C 125

<sup>3</sup> 1876 C 392

<sup>4</sup> 1888 C 455

<sup>5</sup> 1890 C 6

<sup>6</sup> 1892 C 443

<sup>7</sup> 1894 C 317

work for children under 16 between 7 p. m. and 7 a. m.<sup>29</sup> These hour restrictions, however, did not apply to canneries. This provision superseded the 1911 law fixing a 10-hour day for children under 16 in manufacturing establishments anywhere in the State and mercantile establishments in Baltimore, except that the latter provision could be interpreted to apply to canneries. It is not probable, however, that canneries were considered "manufacturing establishments." This law likewise superseded the prohibition of night work between 8 p. m. and 8 a. m. for messengers under 16. The penalty section of the old law was also amended by substituting "State board of labor and statistics" for "State bureau of statistics and information."<sup>30</sup>

In 1918 the evidence of age required for certificates was amended by inserting "evidence of the Federal Rules and Regulations" after birth or baptismal certificate or passport.<sup>31</sup> The State board of labor and statistics was given power to issue permits to mentally retarded boys over 14 upon the written recommendation of the superintendent of Baltimore city or of any county if such boys were unable to make progress in school. Such permits were to be temporary.

Employment in canning and packing establishments was further restricted by raising the minimum age from 12 to 14 years. Vacation permits were no longer permitted to be issued to children 12 to 14 years of age. A child had to be 14 in order to obtain any certificate to work.<sup>32</sup> Formerly certificates could be issued in canning and packing establishments earlier.

The compulsory school attendance law of 1918 amended by implication the provision that every county had to appoint an attendance officer (found in 1916, chapter 506) by permitting the State board of education to excuse the county board from appointing such officer and to designate some other (specified) school official to perform the duties of attendance officer.<sup>33</sup>

## MASSACHUSETTS

Massachusetts was the pioneer in child labor legislation. She started as early as 1836 to regulate the welfare of her children by law, and protect them from exploitation. All children had to attend school at least 3 months of the year until they came to the age of 15.<sup>1</sup> The General Statutes of 1860 demanded an educational requirement for legal employment.<sup>2</sup> Children under 12 who had resided in the State for 6 months could not be employed in manufacturing establishments unless they had attended school 18 weeks in the 12 months preceding employment, and a like term during the 12 months of employment. Children who had attained their twelfth year had to attend but 11 instead of 18 weeks. The hours for children under 12 was limited to 10 a day. Needful provisions for children between the ages of 5 and 16 were to be made by each city and town with the approval of the superior court of the county.

An advance was made in 1866 when an absolute minimum age of 10 was set for employment in manufacturing establishments, and no child between 10 and 14 could work unless he had attended school for at least 6 months in the year preceding his employment, and each year of his employment, virtually allowing but part time work up to the age of 14.<sup>3</sup> Eight hours a day was the maximum for children under 14 years of age. The enforcement provision stated that the governor, with the consent of the council, could instruct the constable to enforce.

In 1867 the minimum age of 10 in manufacturing and mechanical establishments was still retained, but the educational requirement was somewhat changed.<sup>4</sup> It demanded attendance for at least 3 months during the year preceding employment, and every year of employment, between the ages of 10 and 15. Not more than 50 hours a week were allowed for children under 15. Enforcement was, as previously, through the constable or deputy.

An 1870 act charged the board of health to ascertain and include in their report to the legislature, the number of minors employed in the manufac-

<sup>29</sup> 1916 C 222

<sup>30</sup> 1916 C 407

<sup>31</sup> 1918 C 495

<sup>32</sup> Ibid

<sup>33</sup> 1918 C 1494

<sup>1</sup> 1836 C 245

<sup>2</sup> Gen Stat 1860 C 42

<sup>3</sup> 1866 C 273

<sup>4</sup> 1867 C 285

ture of cotton, woolen, silk, flax, and jute; the cause, amount, and rate of mortality among them. how it compared with the mortality of other persons of the same age; how far the particular employment affected their general health as compared with the effects of other occupations.<sup>5</sup> This was the first measure encountered, promoting a social survey.

A provision in 1874 refused licenses to all theatrical exhibitions, public shows, amusements, or exhibitions of any kind to which admission was charged, when such exhibitions employed children under 15 as acrobats, contortionists, or in any gymnastic or equestrian feats.<sup>6</sup> The same year the 10-hour day and 60-hour week provision was extended to cover minors under 18 and all women.<sup>7</sup> The two usual exemptions held, however—in case of emergency to make repairs, and in order to allow shorter hours for one day of the week.

In 1876 we find 10 still the minimum age in manufacturing, mechanical, or mercantile establishments.<sup>8</sup> The educational requirement demanded that a child under 14 attend school 20 weeks of the term preceding employment and continue to attend for a like term every year of employment. A certificate of school attendance had to be presented by the child before he could be legally employed.<sup>9</sup> The truant officer was the enforcing agent.<sup>10</sup>

The first general regulation of employment in dangerous occupations occurred in 1877.<sup>11</sup> The previous act of 1874 pertained merely to theatrical exhibitions. The 1877 provision set 15 as the minimum age for dancing, playing on musical instruments, singing, rope or wire walking, riding, or performing as a gymnast, contortionist, or acrobat in any circus, theatrical exhibition, or in any public place whatever. Exceptions were made in the cases of churches, schools, etc., or with the special written permission of the mayor or aldermen of any city, or board of selectmen of any town.

For manufacturing, mechanical, and mercantile establishments, the minimum age was raised in 1878 to 14 years.<sup>12</sup> The act, however, contained an enervating exemption—"unless such child can read or write." Vacation times were also exempt from the provisions of this law. Employers were required to keep certificates on file for all child employees under the age of 16. These certificates were to show the age and place of birth, and, if the child were under 14, the amount of school attendance in the year preceding employment. Enforcement was through the truant officer, who could demand certificates and lists at any time. Failure to produce would be considered *prima facie* evidence that the employment was illegal.

In 1879 a parent's affidavit was made conclusive evidence of age.<sup>13</sup> An 1880 act demanded that the certificate of employment be signed by the school committee.<sup>14</sup> Another provision of the same year required that the hours be posted, and employment for longer hours than those posted was considered a violation, unless to make up for lost time caused by the stoppage of machinery some other day that week.<sup>15</sup>

In 1883 the age minimum was raised to 12 in hours when the public schools were in session; at other times, 10 still prevailed.<sup>16</sup> A 10-hour day and 60-hour week was established the same year for children under 14.<sup>17</sup>

The next year the 10-hour day and 60-hour week was made to apply to children under 18 and the rule previously enacted concerning the posting of hours was re-enacted.<sup>18</sup>

In 1885 the 12-year minimum—10 in vacation time—was re-enacted.<sup>19</sup> In 1886 new regulations concerning the posting of hours were enforced.<sup>20</sup> Beside the number of hours, the notice had to include the time of starting and stopping, the time allowed for starting and stopping the machinery, and the time allowed for dinner.

The following year 14 was set as the earliest age at which one could be employed cleaning machinery in motion by the aid of steam, water, or other mechanical power or machinery that is in dangerous proximity to such

<sup>5</sup> 1870 C 48

<sup>6</sup> 1874 C 279

<sup>7</sup> 1874 C 221

<sup>8</sup> 1876 C 52

<sup>9</sup> Ibid

<sup>10</sup> Ibid

<sup>11</sup> 1877 C 172

<sup>12</sup> 1878 C 257

<sup>13</sup> 1879 C 207

<sup>14</sup> 1880 C 137

<sup>15</sup> 1880 C 194

<sup>16</sup> 1883 C 224

<sup>17</sup> 1883 C 157

<sup>18</sup> 1884 C 275

<sup>19</sup> 1885 C 222

<sup>20</sup> 1886 C 90



moving part.<sup>21</sup> The same year an hour provision in factories set the same hours for women as for children, forbade women tending the machines of other women and children during the meal hour, and established a maximum of six hours' continuous labor except for the allowance of six and a half hours when the work ceased at 1 p. m. for the day. Certain industries could be exempted from these provisions by the district police if not to the injury of the health of the children.<sup>22</sup> Children under 15 were prohibited begging or peddling.<sup>23</sup> The law of 1886 was somewhat amended by making particular provision for overtime. Overtime could not be allowed for the stoppage of machinery for more than 30 minutes. In case of interruption to work for more than 30 minutes, a report had to be sent to the chief of district police or to the inspector of factories before overtime could be permitted.<sup>24</sup> Children under 14 who could not read and write could not be employed except during school vacations.<sup>25</sup> Children over 14 unable to read and write who had lived in Massachusetts at least one year could not be employed.

Thirteen was made the age minimum in 1888 for employment in factories, workshops, mercantile establishments, or at any indoor work during hours when school is in session, or at any work at all during such hours, unless in the preceding year the child had attended school at least 20 weeks. Night work between the hours of 7 p. m. and 6 a. m. was prohibited for children under 14 years of age. Employment certificates had to be kept on file by employers for children under 14, except during the vacation times of the public schools. Dangerous occupations could be designated by the chief of police with the approval of the governor, and after one week's notice, no child could be employed therein. For all child employees under 14, and for children under 16 employed in factories, workshops, and mercantile establishments, certificates were demanded, containing the following: (1) Promise of employment; (2) certificate of birth signed by the father, but if this was materially different from the age on the school record, or if the child plainly appeared to be younger, a birth or baptismal certificate or other satisfactory documentary evidence could be demanded; (3) an educational showing, if the child is under 14, that he could read and write legibly simple sentences in the English language, and that he had attended school at least 30 weeks during the preceding year—if unable to read and write, attendance at evening school was required; (4) signature of the superintendent of schools, or if there was none, that of some member of the school committee. No child who has been continuously a resident in the city or town since he was 13 could receive a certificate unless he had attended school 20 weeks or had been exempted. The enforcement was through truant officers authorized by the school committee. They could demand the names of children under 16 and inspect certificates.<sup>27</sup>

In 1889 illiterate minors over 14 were required to be regular attendants at day school or evening school, in order to be legally employed in manufacturing, mechanical, or mercantile establishments.<sup>28</sup> An odd provision forbade street railway companies to allow children under 10 to enter cars for the purpose of selling newspapers or other commodities.<sup>29</sup> The educational requirements for legal employment in factories, workshops, and mercantile establishments demanded that a child who had been a continuous resident of the city during his thirteenth year attend school for at least 20 weeks unless he could read at sight and write legibly simple sentences in the English language, or was exempt from such attendance.<sup>30</sup>

The night work provision of 1890, prohibited minors and women from labor between 10 p. m. and 6 a. m.<sup>31</sup> Employment certificates were made the property of the child to be returned to him at the termination of employment.<sup>32</sup> Permits were allowed to be delivered to illiterate minors over 14 years, if their labor was necessary for the support of themselves or their families, but application had to be made to the school committee before the opening of the yearly session of evening school, and unless prevented by

<sup>21</sup> 1887 C 121

<sup>22</sup> 1887 C 215

<sup>23</sup> 1887 C 422

<sup>24</sup> 1887 C 280

<sup>25</sup> 1887 C 433

<sup>26</sup> Ibid

<sup>27</sup> 1888 C 348

<sup>28</sup> 1889 C 135

<sup>29</sup> 1889 C 229

<sup>30</sup> 1889 C 291

<sup>31</sup> 1890 C 183

<sup>32</sup> 1890 C 299

illness or injury, evening school attendance was demanded.<sup>33</sup> Eighteen was established as the minimum age for serving liquors to be drunk on the premises.<sup>34</sup> Fifteen was established as the youngest at which one could legally have care, custody, management, or operation of any elevator, and in case the elevator ran at a speed exceeding 200 feet a minute, the age minimum was raised to 18.<sup>35</sup>

A provision for the employment of illiterates in manufacturing, mechanical, and mercantile establishments, was enacted in 1891, but did not make any substantial changes in the previous law.<sup>36</sup>

Thirty weeks' school attendance was required in 1892, for children under 14, provided that the public school was in session that number of weeks.<sup>37</sup> The time could be divided into three terms of 10 weeks each. This was an increase from the 20 weeks required by the 1888 statute.<sup>38</sup> The dangerous occupations prohibition was merely repeated. The re-enactment of the hour provisions of 1890 modified the wording of the earlier law,<sup>39</sup> and established in manufacturing and mechanical establishments a 58 instead of a 60-hour week for women and minors under 18.<sup>40</sup>

Two years later, an entirely new child-labor law was enacted covering stores, factories, and workshops.<sup>41</sup> The maximum hours permitted minors under 18 was, as previously, 10 a day and 58 a week in factories and workshops, but in stores 60 hours a week was legal. No child under 13 could work in factories, workshops, or stores, and no woman or minor could be employed between 10 p. m. and 6 a. m., as by previous enactment. An even more general prohibitive measure forbade children under 13 working in any indoor work during the hours when the public schools were in session, or in any manner whatever during such hours, unless during the year prior to employment school attendance for at least 30 weeks could be proved. The night work provision for minors under 14 was made more strict than the more general one. The forbidden hours were between 7 p. m. and 6 a. m. Certificates were required to be kept for employed children under 14, vacation times exempted, and for children under 16 employed in dangerous occupations. The district police, with the approval of the governor, could determine what occupations were injurious to the health of minors and could notify. No child could be employed in the prohibited occupations one week after notice was given. The employment certificates were issued by the superintendent of schools or some member of the school committee, and showed a promise of employment, age, and birthplace, as established by the father. A child who had lived in Massachusetts during his thirteenth year had to prove that he had attended school 30 weeks. This was not necessary, however, if he could read and write legibly simple sentences in the English language, or if he was specifically exempt from such attendance for good reason. If child could not read and write, he had to have his evening school attendance record indorsed weekly. If he attended part time schools, 40 rather than 30 weeks were required. In case the age on the school record and that given by the parent did not agree, or in case the child appeared of "materially less age than so given," a certificate of birth or baptism was required before the issuance of the certificate of employment. It was likewise provided that all certificates be returned to the child at termination of employment. Truant officers, authorized by the school committee, enforced these provisions.

The minimum age was raised from 13 to 14 in 1898, for all occupations during school hours.<sup>42</sup> Certificates of the same requirements were still demanded of children under 16. If a recognized physician certified that evening school attendance in addition to labor would be injurious to health, a child could be excused from such attendance. The truant officers were still responsible for enforcement.

For public exhibitions the minimum age was raised to 15.<sup>43</sup> Public exhibitions included dancing (on the stage), playing on musical instruments, singing, rope or wire walking, riding, performing as a gymnast, contortionist,

<sup>33</sup> 1890 C 48  
<sup>34</sup> 1890 C 446  
<sup>35</sup> 1890 C 90  
<sup>36</sup> 1891 C 317  
<sup>37</sup> 1892 C 352  
<sup>38</sup> 1888 C 348

<sup>39</sup> 1892 C 83  
<sup>40</sup> 1892 C 357  
<sup>41</sup> 1894 C 508  
<sup>42</sup> 1898 C 494  
<sup>43</sup> 1898 C 394

or acrobat, or engaging in any circus or theatrical exhibition in any public place. This act did not apply to a musical education, church or school entertainments, festivals, concerts, or musical exhibitions on special written permission of the mayor, aldermen, or selectmen.

For handling intoxicating liquors the minimum age was raised to 18.<sup>44</sup>

In 1900 stores were included in the 58-hour week law. This applied to minors under 18 and women.<sup>45</sup> However, an exemption was made during the month of December for retail shops.

A new dangerous occupation claimed the interest of the legislature in 1901—the manufacture of acids. In such employment, 18 was the minimum age.<sup>46</sup> The same year it was required that in mercantile establishments, the hours be posted—the number required each day, the hour of commencing and stopping, and the time allowed for meals.<sup>47</sup> Mercantile establishment was defined as meaning “any premises used for the purpose of trade in the purchase or sale of any goods or merchandise, and any premise used for the purpose of a restaurant.”

A 1902 provision re-enacted but did not substantially change the previous law governing hours in factories and workshops.<sup>48</sup> The law concerning illiterates was likewise re-enacted demanding that minors over 14 and unable to read and write attend evening school.<sup>49</sup> This was an educational requirement for legal employment, however, and not a compulsory school provision. A written record of the attendance had to be submitted to the employer. An exemption was made in case a recognized physician stated that evening school attendance in addition to daily labor was detrimental to the health of the illiterate minor. The same restriction on elevator service still held—16 for operating freight or passenger, and 18 when running at a speed of more than 100 feet a minute.<sup>50</sup>

The age restriction was somewhat strengthened in 1905, forbidding children under 14 in any gainful occupation during school hours, raising the age to 16 where the educational certificate certifying ability to read and write was lacking.<sup>51</sup> Work between the hours of 7 p. m. and 6 a. m. was likewise prohibited for children under 14.

In 1906 provisions concerned educational requirements, street trading on cars, and enforcement. Ability to read and write as referred to in the 1905 statute was defined to mean such ability as was required for admission to the second grade (effective in 1906), the third grade (effective in 1907), and the fourth grade (effective in 1908 and thereafter).<sup>52</sup> The previous provision forbidding a street railway company to allow a child under 10 to enter its cars for the purpose of selling newspapers or other articles, was re-enacted but not changed.<sup>53</sup> The enforcement provisions were made more strict. Inspectors and school attendance officers could enter places of employment and require age and schooling certificates and lists of minors. District and municipal police courts were given jurisdiction of cases arising under this act.<sup>54</sup>

The year 1907 marked an advance. The night work prohibition still concerned minors under 18 and women, but was extended to cover the hours between 6 p. m. and 6 a. m.<sup>55</sup> The sanitary provisions were made more strict by making the district police responsible for enforcing the laws in regard to the lighting, ventilating, and keeping clean of factories and workshops.<sup>56</sup>

The hours for children under 18 and women in manufacturing and mechanical establishments was reduced in 1908 from 58 to 56 a week. In seasonal occupations, 58 a week was allowed providing that the yearly average did not exceed 56.<sup>57</sup>

In 1909 an act was passed to codify the labor laws. A “child” or “minor” was defined as a person under 18 years of age; a “young person,” as one between the ages of 14 and 18; and a “woman,” 18 or over.<sup>58</sup> The 56-hour week law of 1908 was re-enacted.<sup>59</sup>

<sup>44</sup> 1899 C 413

<sup>45</sup> 1900 C 378

<sup>46</sup> 1901 C 164

<sup>47</sup> 1901 C 113

<sup>48</sup> 1902 C 435

<sup>49</sup> 1902 C 183

<sup>50</sup> 1902 C 350

<sup>51</sup> 1905 C 267

<sup>52</sup> 1906 C 284

<sup>53</sup> 1906 C 463

<sup>54</sup> 1906 C 499

<sup>55</sup> 1907 C 267

<sup>56</sup> 1907 C 413

<sup>57</sup> 1908 C 645

<sup>58</sup> 1909 C 514

<sup>59</sup> Ibid

By an act of 1910, 18 was established as the youngest at which one could be employed in occupations determined by the State board of health to be injurious to the health of young persons.<sup>60</sup> The same minimum age—18—applied to street trades.<sup>61</sup> A new requirement for working papers appeared in this year—examination by appointed physician as to physical fitness.<sup>62</sup>

Employers of illiterate minors were required in 1911 to keep on file certificates showing that they were over 16.<sup>63</sup> Until they were 21 (formerly 18) they had to attend evening school.<sup>64</sup> Night work between 10 p. m. and 5 a. m. was prohibited for persons under 21, except in the delivery of newspapers or messages.<sup>65</sup> The hours of children under 18 in factories and workshops was reduced from 56 to 54 a week. In seasonal employments, 58 hours a week were allowed as formerly, provided that the yearly average was not over 54 a week.<sup>66</sup> For stores and workshops connected with stores, the same 56-hour week prevailed.<sup>67</sup> As previously enacted, the schooling requirement demanded ability to read and write as required for admission to the fourth grade.<sup>68</sup> The 1912 law provided practically nothing new other than the requirement of seats for children.<sup>69</sup>

The street trades law of 1913 established a minimum age of 12 for boys and 18 for girls in cities of 50,000 or more.<sup>70</sup> Badges were required for boys under 16. Night work between 9 p. m. and 5 a. m. was prohibited and work during school hours except with employment certificates. The compulsory school attendance law was re-enacted and somewhat strengthened.<sup>71</sup> Children under 16, if not lawfully employed, had to attend school. Illiterates from 16 to 21 had to attend evening school for its full term, and in event of there being no evening school, day school attendance was demanded. Where there were continuation schools, the school committee with the consent of the board of education, could require the attendance of minors between 14 and 16 years of age, for 4 hours a week, between 8 a. m. and 6 p. m.<sup>72</sup> In tenement houses, building construction, messenger offices, and barber shops, the minimum age was set at 14; in bar rooms, 21. Messenger service, except in connection with newspaper delivery, was forbidden between 10 p. m. and 5 a. m. for all persons under 21.<sup>73</sup> Employed minors under 16 were limited to an 8-hour day, and a 6-day, 48-hour week. Boys under 18 and girls under 21 were limited to a 10-hour day, a 6-day week, and a 54-hour week.<sup>74</sup> Night work between 6 p. m. and 6.30 a. m. was forbidden for children under 16, and between 10 p. m. and 5 a. m. for boys under 18 and girls under 21. They likewise were prohibited employment in the manufacture of textiles after 6 p. m.<sup>75</sup>

In 1914 a law was passed giving to the superintendent of schools the power to suspend the requirement of 130 days' school attendance after the age of 13, as a pre-requisite for an employment certificate, when in his opinion the best interests of the child would be served thereby.<sup>76</sup>

No new provisions occurred in 1915 other than a penalty provision which made the alteration of an employment certificate, without authority, punishable by a fine of \$10.<sup>77</sup>

In 1916 the law fixing the 10-hour day and 54-hour week for boys under 18 and females, was amended by stating that the State board of labor and industries was to determine what employments were seasonal.<sup>78</sup> Children 14 to 16 could be granted employment certificates for summer vacations, even though they had not completed the fourth grade, if they fulfilled all the other requirements.<sup>79</sup> "Co-operative courses" were established and defined as courses approved by the board of education and conducted in public schools, in which technical or related instruction was given in conjunction with practical experience by employment in a co-operating factory, or manufacturing, mechanical, or mercantile establishment, or workshop.<sup>80</sup> Children who were pupils in "co-operative courses" were allowed to be

<sup>60</sup> 1910 C 404

<sup>61</sup> 1910 C 419

<sup>62</sup> 1910 C 257

<sup>63</sup> 1911 C 310

<sup>64</sup> 1911 C 241

<sup>65</sup> 1911 C 629

<sup>66</sup> 1911 C 484

<sup>67</sup> 1911 C 313

<sup>68</sup> 1911 C 269

<sup>69</sup> 1912 C 96

<sup>70</sup> 1913 C 831

<sup>71</sup> 1913 C 467

<sup>72</sup> 1913 C 805

<sup>73</sup> 1913 C 831

<sup>74</sup> Ibid

<sup>75</sup> 1914 C 580

<sup>76</sup> 1915 C 70

<sup>77</sup> 1916 C 222

<sup>78</sup> 1916 C 66

<sup>79</sup> 1916 C 95

employed upon securing a special certificate from the superintendent of schools. The contents of the certificate were not specified.<sup>80</sup> This law also amended the 1909 law which required educational certificates for children between 16 and 21 years of age, by exempting pupils in "co-operative courses."<sup>81</sup> A minimum wage commission was appointed in 1919, one member to be an employer of female labor and one to be a representative of labor.<sup>82</sup> New administrative provisions concerning the school census were enacted, but they were not of any great importance.<sup>83</sup> Married women were exempted from provisions requiring illiterate minors to attend evening school.<sup>84</sup> Beside the minimum wage commission, two others were appointed: One was to investigate hours and conditions of labor in hotels and restaurants, and to report January, 1917, upon the advisability of legislation providing for one day's rest in seven;<sup>85</sup> the other was a special commission on social insurance, directed to study and report on hours of labor in continuous industries, and to present drafts of such laws as it thought best to recommend.<sup>86</sup> Employment of minors under 16 in the street trades was to be at the discretion of the school committee. Formerly this applied only to those under 14.<sup>87</sup> Special 1-day licenses were to be provided for street selling and soliciting on behalf of charitable organizations, but no person under 16 could serve as the accredited agent of such organization.<sup>88</sup>

The most important act of 1917 was occasioned by the war and provided for suspension of the labor laws in case of emergency during the state of war.<sup>89</sup> Two minor provisions were enacted, however. The time for lunch for women and young persons was changed from 30 to 45 minutes, and "person under 18 years of age" was substituted for "young person."<sup>90</sup> Girls under 21 were allowed to be employed until 11 p. m. in regular service telephone exchanges.<sup>91</sup>

In 1918 the power of the school committee to regulate street trades in cities of 50,000 or less, extended to girls under 18, formerly only to minors under 16. Cities of over 50,000 were governed by the regular street trades law.<sup>92</sup> The provisions of existent or future laws restricting the hours of women and minors in factories, workshops, or in manufacturing, mechanical, and mercantile establishments were made to apply to women and minors operating elevators in these establishments or in buildings occupied by such establishments, or in offices.<sup>93</sup> Evening schools were required to be maintained in towns and cities where 20 or more educational certificates were issued. These schools were to be maintained for at least 40 evenings.<sup>94</sup>

## MICHIGAN

Dangerous occupations were the first to be regulated by law in Michigan. In 1881, 16 was the age minimum established for rope or wire walking, dancing, begging, or any occupation injurious to health. A child under 16 could not remain in any saloon, dance hall, variety theater, house of prostitution, etc.<sup>95</sup>

A compulsory education law was passed in 1883.<sup>96</sup> The ages covered were from 8 to 14 and the attendance demanded was at least 4 months. Exemptions were made for physical incapacity, substitute private tutoring, or in case the ordinary branches of learning taught in the public schools were already acquired. The educational requirement for employment was 4 months' school attendance during the year preceding employment, a certificate from the director of the school district to be evidence of the fact. Unemployed children under 14 were required to attend school. The police force and one or more constables enforced these provisions.

In factories, warehouses, and workshops a minimum age of 10 was established in 1885.<sup>97</sup> The educational requirements were unchanged. The hours

<sup>80</sup> 1916 C 95

<sup>81</sup> 1916 C 303

<sup>82</sup> 1916 C 202

<sup>83</sup> 1916 C 82

<sup>84</sup> 1916 C 74

<sup>85</sup> 1916 C 164

<sup>86</sup> 1916 C 242

<sup>87</sup> 1916 C 188

<sup>88</sup> 1917 C 342

<sup>89</sup> 1917 C 110

<sup>90</sup> 1917 C 294

<sup>91</sup> 1918 C 237

<sup>92</sup> 1918 C 147

<sup>93</sup> 1918 C 285

<sup>94</sup> 1881 No 260

<sup>95</sup> 1883 No 144

<sup>96</sup> 1885 No 39

for young persons under 18 and women were limited to 10 a day and 60 a week with a period of 1 hour to be allowed for lunch. Enforcement was through the police.

Two years later the hours were decreased. Nine hours a day was the maximum for boys under 14 and girls under 16. This, however, did not apply to agriculture, domestic duties, or clerking in stores. The enforcement clause provided that on complaint the prosecuting attorney should investigate.<sup>4</sup>

The minimum age in stores and factories was raised to 12 in 1889.<sup>5</sup> Employers had to keep a register of all children under 14 and no child under 14 could be employed without the written permission of the parent or guardian, together with a statement of its name and age. The hours for boys under 14 and girls under 15 were 54 a week. The prosecuting attorney, as before, was the enforcing agent.

Two years later the age was raised to 14 for employment in any business, special mention being made of peddling papers and blacking boots.<sup>6</sup> A clause, however, exempted children who had attended school for 4 months in the preceding 12. The certificate was to be deposited with the employer or with the mayor, president, or other officer granting the license or permit, and was to be kept on file.

The 1893 legislature retained the same minimum age of 14 in manufacturing, and limited the hours of females under 21 and males under 18, to 60 a week and 10 a day—likewise in factories.<sup>7</sup> A register had to be kept for all children under 16 and a statement of age in the writing of the parent had to be filed. In cases of children who seemed physically unable to perform the work at which they were employed, a certificate of physical fitness from a recognized physician could be demanded. If the certificate could not be obtained, the employment could be prohibited. The commissioner of labor was charged with the enforcement of these provisions and inspected places of employment at least yearly. Assistant inspectors could be appointed. Prosecutions could be made at the request of the inspector or anyone of full age.

A compulsory school attendance law came into force in 1895.<sup>8</sup> In cities, children between the ages of 7 and 16 had to attend school the entire school year. Outside of cities, the rule was not so strict—children 8 to 16 had to attend but 4 months. The act was weakened, however, and the age limit reduced to 14 practically by an exemption which permitted the superintendent of school boards and of truant officers to excuse children over 14 from school for either the whole or a part of the session for any reason which he deemed sufficient. Other provisions concerning hours and certificates of physical fitness were re-enacted but made no change in those already existing.

In 1897, 16 was made the minimum age at which one could engage in work endangering life or limb, or injuring health or morals. For cleaning machinery in motion, the minimum age was raised to 18 for boys and 21 for girls.<sup>9</sup> Other dangerous occupation such as barkeeping, serving liquors, or furnishing music for dancing in any saloon or bar room where spirituous or intoxicating liquors were kept for sale, was prohibited for all women or girls.<sup>10</sup> Wives or other members of proprietors' families were exempted from the provisions of this act. A new child-labor law was enacted this year amending the law of 1895, but no substantial changes were made.<sup>11</sup>

The minimum age of 14 in manufacturing was still retained in 1899, and also the same provisions concerning the keeping of a register. However, a new requirement for employment was established—ability to read and write. Night work was prohibited to children, between the hours of 6 p. m. and 7 a. m. Enforcement, as previously, lay with the commissioner of labor.<sup>12</sup>

Fourteen was still the minimum age in factories and stores, in 1901, but all under 16 had to have a sworn statement of age and ability to read and

<sup>4</sup> 1887 No 152

<sup>5</sup> 1889 No 269

<sup>6</sup> 1891 No 116

<sup>7</sup> 1893 No 126

<sup>8</sup> 1895 No 95

<sup>9</sup> 1897 No 92

<sup>10</sup> 1897 No 170

<sup>11</sup> 1897 No 92

<sup>12</sup> 1899 No 77

write. This statement was required to be kept on file by employers. In factories and stores employing more than 10 persons, the hours were limited to 60 a week for males under 18 and females under 21. The night work prohibition of 1899 was re-enacted. Again the same ages were set for employment in dangerous occupations. Certificates of physical fitness could be required as before.<sup>13</sup>

The general age, hour, and certification provisions for employment in factories, workshops, and stores were extended in 1905 to apply to theaters, concert halls, places of amusement where liquors were sold, offices, hotels, laundries, bowling alleys, passenger or freight elevators, factories, workshops, telegraph or messenger service.<sup>14</sup>

In 1907 the minimum age was raised to 21 for employment in theaters, concert halls, and places of amusement where liquor was sold, but remained at 14 for the other specified occupations.<sup>15</sup> Males under 18 and all females (formerly females under 21) were prohibited from working more than 60 hours a week in factories and stores employing more than 10 persons. Night work and certification provisions were unchanged except for the provision which required that the certificate be returned to the child at the termination of employment. The minimum age for dangerous occupations in general was raised from 16 to 18 for boys, and to 21 for girls.

The 1909 law covering factories, mills, warehouses, workshops, clothing, dressmaking, or millinery establishments, laundries, stores, or any other mercantile establishments, hotels, offices, mines, bowling alleys, elevators, and messenger service, enforced a minimum age of 14. Twenty-one was established as the age minimum in theaters and places where intoxicating liquors were sold. Employers were required to have permits for children under 16. These were issued by the superintendent of schools, by the State employment bureau, or by the judge of the probate court or juvenile court. Permits were issued only on presentation of the school report, and passport or duly attested transcript from the record of birth or baptism. In case these official records could not be produced, the sworn statement of the parent or guardian, accompanied if possible by the statement of the physician or midwife who attended the birth, would be accepted. The issuing officer had to examine the child's ability to read and write simple sentences in the English language. He likewise had to be satisfied as to the child's physical fitness or else secure an examination by the medical officer of the board of health. The school record had to show an attendance of 100 days in the year prior to the 14th birthday. For cleaning machinery in motion the minimum age for males was 18 and for females 21. The same age minimum held for employment in breweries, distilleries, or other establishments where malt and alcoholic liquors were manufactured or bottled. The hours in these occupations for boys under 18 and girls under 21 were 54 a week. Night work between the hours of 6 p. m. and 6 a. m. was prohibited in manufacturing establishments for girls under 18, and in mines, workshops, factories, and messenger service—except telegraph or telephone—for all children under 16. A department of labor was created to enforce the provisions of this act.<sup>16</sup>

Sixteen was the age minimum in 1911 for theaters, shows, pool rooms, and dance halls, but oddly, traveling companies were exempted. The night work provision was extended to prohibit the employment of children under 18 between 10 p. m. and 5 a. m. Permits were required as before, but a new educational requirement was demanded—the completion of the fourth grade. Vacation permits were exempted from this requirement. Children to whom permits were issued had to report monthly to the issuing officer.<sup>17</sup> If a child of school age was required to work for self-support, relief was to be paid from the school funds. A maximum of \$3 a week was allowed for a child, providing the total for a family did not exceed \$6.<sup>18</sup>

A school exemption enacted in 1913 allowed children who were over 14, and whose services were necessary for the support of their parents, or children who had completed the eighth grade or its equivalent, to be ex-

<sup>13</sup> 1901 No 113

<sup>14</sup> 1905 No 171

<sup>15</sup> 1907 No 169

<sup>16</sup> 1909 No 285

<sup>17</sup> 1911 No 220

<sup>18</sup> 1911 No 198

cused from school.<sup>19</sup> The minimum age of 14 in factories, stores, mines, etc., was re-enacted.<sup>20</sup>

In 1915 the minimum age in stores, factories, mines, etc., was raised from 14 to 15, and the list extended to cover "pool and billiard rooms." An exemption allowed children over 14 to work in vacation time in canneries preserving perishable goods. The requirements for work permits were changed to conform to these amendments.<sup>21</sup> Theaters were omitted from the list of places required to keep a register of employees under 16 and prohibited from employing such children without a permit.<sup>22</sup> Offices and restaurants were added to the list of places in which boys under 18 and women could not be employed for more than an average of 9 hours a day and 54 a week, and for not more than 10 hours in any one day.<sup>23</sup> The dangerous occupations law was amended so as to permit boys between 16 and 18 years of age to work in such employments if the department of labor approved the occupation as not injurious to health or morals, but the hours were limited to 10 a day and 54 a week.<sup>24</sup>

The vacation permit exemption which formerly applied only to canneries, was made in 1917 to apply to mercantile institutions, stores, offices, hotels, laundries, manufacturing establishments, factories, workshops, telegraph and messenger service. Previously, these permits were valid only in the established vacation period, but were made by this act to legalize employment any time outside of school hours. They did not have to certify that the wages of the child were essential to the support of the family. A child was considered as having withdrawn from employment when he had absented himself from work for 5 working days without explanation. Wherever continuation schools were established for minors under 16 at work or out of school by permission to help at home, all such children under 16 were required to attend such classes for 4 hours a week. Like obligation fell on all employed children under 18 who had not completed the 8th grade. The hours in the continuation school had to be deducted from the hours of labor permitted by law.<sup>25</sup> Exemptions to the compulsory education law were changed as follows: (1) Children over 14 who were exempted because their services were necessary for the support of their parents, were required to have completed the 6th grade—formerly no grade requirement; (2) children who had completed the 8th grade could be granted an excuse to assist with the housework or farm work at home. A new provision required reports of attendance from private and parochial schools.<sup>26</sup> A child welfare commission was created to investigate the conditions surrounding children and to recommend legislation.<sup>27</sup>

## MINNESOTA

In 1878, Minnesota established a minimum age of 14, in manufacturing and mechanical workshops, and in dangerous occupations. In manufacturing and mechanical workshops the hours were limited to 10 a day for children under 18 and women. The penalty clause drew an odd distinction in phraseology. The fine was \$10 to \$100 for "compelling" children under 18 or women, or for "permitting" children under 14, to work more than the legal 10 hours a day.<sup>1</sup>

The minimum age was not changed in 1879, but a more specific list of prohibited occupations was named—gymnast, contortionist, beggar, immoral purpose, etc. This act did not apply to church or school entertainments, or to the employment of a child as a musician in any concert.<sup>2</sup>

The 1895 law re-enacted the same age and hour provisions already in effect, but made the law apply to all gainful occupations except agricultural and domestic labor. Children over 14 were allowed to work overtime if extra pay compensated.<sup>3</sup> Night work was forbidden for children under 14 between the hours of 6 p. m. and 7 a. m. No child under the compulsory school age could work during hours when school was in session unless he had attended for the time

<sup>19</sup> 1913 No 47

<sup>20</sup> 1913 s 4018

<sup>21</sup> 1915 No 255

<sup>22</sup> Ibid

<sup>23</sup> Ibid

<sup>24</sup> Ibid

<sup>25</sup> 1917 No 280

<sup>26</sup> 1917 No 179

<sup>27</sup> 1917 No 293

<sup>1</sup> 1878 C 24

<sup>2</sup> 1879 C 75

<sup>3</sup> 1895 C 49



required by law. Inspectors could demand certificates of physical fitness from children who appeared physically unable to perform their work. Children under 16 had to be able to read and write simple sentences in the English language or be regular attendants at night school. In cases of poverty children over 12 if able to read and write could be excused from school attendance, and if over 14, could, by special order of the court, be employed without having fulfilled the educational requirements. The youngest at which one could be employed operating an elevator was 16—18, if the speed exceeded 200 feet a minute. Regular employment certificates were required of children under 16 desiring employment in factories, workshops, mercantile establishments, and messenger service. These certificates were issued by the superintendent of schools or some member of the school board. The board of education or trustees of the city, town, or district enforced.<sup>4</sup>

In 1897 the minimum age in dangerous occupations was raised from 14 to 16, and the night-work regulation was made more strict in regard to age, less strict in regard to hours. It prohibited children under 16, formerly 14, from working between 7 p. m. and 6 a. m., formerly 6 p. m. and 7 a. m. A 60-hour week was established in addition to the 10-hour day. An exemption was made for those over 14 on Saturdays and 10 days preceding Christmas, when work until 10 p. m. was allowed. Exemption from the educational requirements was allowed as before in cases of poverty.<sup>5</sup>

The 1907 law made no new provisions other than extending the forbidden night hours of "7 p. m. to 7 a. m." instead of from "7 p. m. to 6 a. m." The employment certificates demanded for children from 14 to 16 employed during school session had to be kept on file by the employer. The inspector could demand it for any child who appeared under 16. It was to be issued by the school authorities, and was to contain a school record of required attendance signed by the teacher or principal, and showing age and ability to read and write. The age was to be established by a transcript from a birth certificate, and if this was unavailable, by the parent's affidavit. The issuing officer was to state that in his opinion the child was 14, had reached normal development, was in sound health and physically able to perform intended labor. In doubtful cases, physical fitness was to be determined by the medical officer of the board of health. Enforcement lay with the department of labor and the truant officers.<sup>6</sup>

The hours for women in stores, factories, and workshops were reduced in 1909 to 58 a week. The hours had to be posted. In factories and workshops, if over 30 minutes' time was lost by the stoppage of machinery, a written report could be sent to the commissioner of labor and the time made up.<sup>7</sup>

The compulsory school attendance law of 1911 demanded that all children between 8 and 16 (formerly 8 and 18 in first-class cities) attend school unless they had completed the 8th grade. Children 14 or over whose help was required at home could be excused in cities other than the first and second class from April 1st to November 1st. The commissioner of labor was given power to revoke permits which he thought had not been properly granted.<sup>8</sup>

In 1912 the child-labor law was extended to include building construction among the regulated occupations. Children under 16 had to have the written consent of the mayor before they could be employed legally in the theaters. In messenger service, the minimum age for girls was 21 and for boys 18, and the forbidden night hours were between 9 p. m. and 5 a. m.<sup>9</sup>

The hours for minors under 16 in any gainful occupation were reduced in 1913 to 8 a day and 48 a week.<sup>10</sup> Children between 10 and 14 had to have the consent of the mayor before they could appear in any public exhibition.<sup>11</sup> This was similar to the 1912 provision.

A 1917 provision forbade the distribution of obscene literature by minors.<sup>12</sup> The same year the act making it a misdemeanor for an employer to compel an employee to work more than 10 hours a day was amended by increasing from 14 to 16 the age over which persons could work extra hours for extra pay.<sup>13</sup>

<sup>4</sup> 1895 C 171

<sup>5</sup> 1897 C 360

<sup>6</sup> 1907 C 299

<sup>7</sup> 1909 C 499

<sup>8</sup> 1911C 356

<sup>9</sup> 1912 C 8

<sup>10</sup> G S 1913 s 3845

<sup>11</sup> 1913 C 516

<sup>12</sup> 1917 C 241

<sup>13</sup> 1917 C 248

## MISSISSIPPI

Mississippi has not been very active in the field of legal protection. In 1908 a minimum age of 12 was established in mills and factories. Children under 16 had to comply with certain hour restrictions, the maximum allowed being 10 hours a day and 58 a week. Night work between 7 p. m. and 6 a. m. was forbidden. To ascertain age, a parent's affidavit of birth was required. For purposes of enforcement, the county health officer was required to visit places of employment twice a year; the sheriff was to visit once a month. This act applied to manufacturing establishments, working in cotton, wool, or other fabrics, and to manufacturing establishments where children were employed indoors at work injurious to their health, or in operating dangerous machinery.<sup>1</sup> In 1912, a manufacturing provision raised the minimum age for girls to 14 and decreased the hours to 8 a day and 48 a week for boys under 14 and girls under 18.<sup>2</sup> This law was an improvement on the 1908 law and specifically included canneries in the regulated occupations.

In 1914 the minimum age of 12 for a boy and 14 for a girl was extended to cover cotton or knitting mills.<sup>3</sup> The same maximum hours of 8 a day and 48 a week and the same night work prohibition between 7 p. m. and 6 a. m. also applied for boys under 14 and girls under 16. Unless a child could present an affidavit from its parent or guardian stating the date and place of birth, the last school attendance, the grade attained, the name of the school and the teacher, he could not be employed under 16 years of age. Semi-annual visits of the health officer were demanded to correct unsanitary conditions.

In 1916 a commission was appointed to study the school laws of other States and compile a complete school code to be submitted to the 1918 legislature.<sup>4</sup> This was the first step toward a compulsory school attendance law or a school census provision.

The law fixing the 10-hour day and 60-hour week for employees of persons, firms, or corporations, engaged in manufacturing or repairing, was amended by permitting persons working only at night to work 11¼ hours for the first five nights and 3¾ hours Saturday night, and by allowing 30 instead of 20 minutes additional for five days a week to be deducted from the number of hours worked on Saturday.<sup>5</sup> Railroads and public service corporations were exempted from the provisions of this act.<sup>6</sup>

The first compulsory school attendance law was enacted in 1918.<sup>7</sup> The law applied only in the county or school districts voting to adopt the provisions of the law. It required children from 7 to 14 years of age to attend school 60 days (county school board being allowed to reduce attendance to 40 days if so desired) unless: The child had completed the common school course; its services were necessary for the support of itself or its parents; the child's home was 2½ miles or more from the school and no free transportation was provided; temporarily excused by teacher in cases of emergency or domestic necessity; parent unable to provide books and clothing; physically or mentally incapacitated.

## MISSOURI

The first legal provision in Missouri was enacted in 1887 and covered employment in mines. The minimum age for such employment was 12 for boys, and all girls and women were prohibited. Boys under 14 thus employed had to be able to read and write. To have charge of an engine by which men were hoisted from or lowered into mines, the minimum age was 18.<sup>1</sup>

Further dangerous occupations were regulated by law in 1891. The wording of the law made it dubious whether or not a definite prohibition were involved. No minor or woman could "be required" to clean factory machinery in motion nor to work between the fixed or transversed parts of any machine while it was

<sup>1</sup> 1908 C 99

<sup>2</sup> 1912 C 165

<sup>3</sup> 1914 C 164

<sup>4</sup> 1916 C 603

<sup>5</sup> 1916 C 239

<sup>6</sup> Ibid

<sup>7</sup> 1918 C 258

<sup>1</sup> 1887 s 7

in motion by the action of steam, water, or other mechanical power.<sup>2</sup> Whether or not such employment would be legal if voluntary, is doubtful.

In 1895, 14 was set as the minimum age for singing, playing on musical instruments, rope or wire walking, dancing, peddling, begging, acting as gymnast or contortionist, or in any obscene or immoral exhibition, or any occupation injurious to health or dangerous to life or limb.<sup>3</sup> This act did not apply to school, church, or other respectable entertainment.

Manufacturing and mechanical trades were regulated in 1897. The minimum age of 14 was established. The same age minimum held for work which two reputable physicians might deem dangerous to the health of children. Extreme poverty, however, might exempt.<sup>4</sup>

Night work and hours in bakeries and confectionery establishments were regulated by an 1899 statute.<sup>5</sup> But 6 days' labor were permitted in one week, and night work between 9 p. m. and 5 a. m. was prohibited minors under 16. In 1901 an 8-hour day in mines was established.<sup>6</sup>

Employment certificates were required by law in 1905.<sup>7</sup> Children between the ages of 8 and 14 could not be employed in mines, factories, workshops, or mercantile establishments unless the employer had secured a certificate from the superintendent of schools or from the teacher showing that the child had attended school for the required period or had been excused for poverty or physical or mental incapacity. The required period of school attendance for children between the ages of 8 and 14 was not less than one-half of the full session. Children from 14 to 16 not lawfully employed in some useful occupation were also required to attend for the same period. Exemptions could be granted for two reasons: (1) Because of poverty—child could be excused temporarily if it was shown to a court of competent jurisdiction that the labor of the child was absolutely necessary for the support of the family (2) if the child had already completed the prescribed grammar school course and had a certificate for it. In cities and districts of at least 3,000, attendance officers could be appointed to visit places of employment and enforce the provisions of this act. When doubt as to a child's age existed, the attendance officer could demand a properly attested birth certificate or an affidavit of age, and a properly attested certificate of attendance.<sup>8</sup> The minimum age in mines was raised from 12 to 14 for boys, and, as previously, no women or girls were allowed. Boys under 16 had to be able to read and write.<sup>9</sup>

A 1907 statute covering employment in manufacturing establishments, laundries, bowling alleys, freight elevators, factories, workshops, theaters, concert halls, and places of amusement where liquor was sold, established a minimum age of 14 and limited the hours to 9 a day and 54 a week for children under the age of 16. Inspectors could require certificates of physical fitness for children whom he deemed unfit to perform the work at which they were engaged. Age certificates were required for children over 14 and under 16. These could be issued by the State factory inspectors after the birth or baptismal certificate had been received. In case the birth or baptismal certificate was unobtainable, the parent's affidavit could be accepted. The minimum age was raised to 16 in dangerous occupations about machinery, or where dangerous or poisonous acids were used, or other employment dangerous to life or limb or where health could be injured or morals depraved, such as carrying messages to houses of ill fame, or working in theaters, concert halls, or places of amusement where intoxicants were sold. The State factory inspector enforced the provisions of this act.<sup>10</sup> The school attendance certificate demanded in the 1907 law did not differ substantially from that of 1905.<sup>11</sup>

In 1909, the required period of school attendance was increased from one-half to three-quarters of the entire session, but two new exemptions were recognized: Physical or mental incapacity; and a distance of over 2½ miles between the school and the child's home.<sup>12</sup> The dangerous occupations provision of the 1909 law forbade all women and minors to clean any part of mill, gearing, or machinery while it was in motion. Minors under 16 could not be employed between

<sup>2</sup> 1891 s 4

<sup>3</sup> 1895 p 205

<sup>4</sup> 1897 S B 189

<sup>5</sup> 1899 S B 162

<sup>6</sup> 1901 H B 13

<sup>7</sup> 1905 p 146

<sup>8</sup> Ibid

<sup>9</sup> 1905 S B 234

<sup>10</sup> 1907 p 86

<sup>11</sup> 1907 p 428

<sup>12</sup> 1909 p 847

the fixed and traversing parts of any machine while it was in motion, and no woman could be thus employed unless the machinery was operated by her.<sup>13</sup> In bakeries and confectionery shops, there was established a 6-day week beginning no sooner than 6 a. m. on Sundays and closing no later than 6 p. m. on Saturdays. Night work was prohibited for minors under 16, in such employments, between 9 p. m. and 5 a. m.<sup>14</sup> In manufacturing and mercantile establishments, laundries, and restaurants, the hours for women were limited to 54 a week in cities of 5,000 or more, and night work was prohibited between the hours of 10 p. m. and 5 a. m. In restaurants, employment was permitted after 10 p. m., but in no case could the hours exceed 9 in any one day.<sup>15</sup>

In 1911, 14, as previously, was the age minimum for most gainful occupations. Agriculture and domestic service were excepted. The minimum age of 16 was made to include several heretofore unmentioned occupations—match-making, work with explosives, and employment in breweries. Elevator operators and messengers to immoral resorts were no longer specifically mentioned. The hours in street trades, dangerous employments, and gainful occupations in general, were reduced to 8 a day and 48 a week. Night work between 7 p. m. and 7 a. m. was prohibited. The certification provisions were as previously enacted. The minimum age for selling newspapers or merchandise on the streets was 10 for boys and 16 for girls. The exemption from school attendance of children under 14 because of poverty was stricken out.<sup>16</sup>

## MONTANA

Montana's earliest legislation is odd and appears to be a contradiction of terms. It established a minimum age for employment in, illegal exhibitions. The minimum age established was 16, and it applied to obscene, illegal, and indecent exhibitions, injurious to health, and dangerous to life and limb, such as rope or wire walking, acting as gymnast or acrobat, working in or about a brothel. The age minimum was raised to 18 for apparently even less harmful occupations, such as singing, playing on musical instruments, begging, or following any mendicant street business. Again 16 was the age minimum for singing, dancing, or acting in a "concert saloon," theater, or place of entertainment where liquors were sold. In mines or in underground works, no child under 13 was permitted.<sup>1</sup>

Two years later the minimum age for employment in mines was raised to 14.<sup>2</sup> In 1895, the minimum age for singing, playing on musical instruments, rope walking, dancing, begging, peddling in the public street, or engaging in any mendicant or wandering business, was lowered from 18 to 16.<sup>3</sup> But the age minimum for employment in any underground works or mine was raised from 13 to 14.<sup>4</sup>

The first compulsory school attendance law was enacted in 1903.<sup>5</sup> Children between the ages of 8 and 14 were required to attend school for the full time school was in session. Also children between the years of 14 and 16 had to attend for a like period if they were not engaged in regular employment. Children under 14 could not be employed during the school term unless they had an age and schooling certificate. These certificates were issued by the superintendent of schools, or clerk of board of trustees upon satisfactory proof of age, and the completion of certain grammar school subjects—reading, spelling, writing, English grammar, geography, physiology, hygiene, and arithmetic. Children under 16 likewise had to have a certificate showing their ability to write legibly and to read English. The same year, the minimum age for underground employment in mines was raised to 16.<sup>6</sup> This last provision was re-enacted in 1905 without change.<sup>7</sup>

In 1907, the law establishing a minimum age of 16 in mines was extended to coyer mills, smelters, workshops, factories, railroads, the operation of passenger

<sup>13</sup> 1909 S B 549 .

<sup>14</sup> 1909 p 864

<sup>15</sup> 1909 p 616

<sup>16</sup> 1911 S B 7

<sup>1</sup> 1887 Com Stat C 1

<sup>2</sup> 1889 p 163

<sup>3</sup> 1895 Penal Code s 472

<sup>4</sup> 1895 Penal Code s 474

<sup>5</sup> 1903 C 45

<sup>6</sup> 1903 C 49

<sup>7</sup> 1905 C 16

or freight elevators, occupations involving the operation of machinery for telegraph, telephone, or messenger service, or any occupation known to be unhealthy or dangerous, or detrimental to the morals of children. Lists of children under 16 were required to be made by the commission of the bureau of agriculture, labor, and industry, from reports of the county superintendent of schools. Children of 16 could receive an age certificate from the commissioner which the employer had to countersign and return. Violations were to be prosecuted by the commissioner and county attorneys.<sup>8</sup>

In 1913 a 9-hour day was established for females in factories, stores, and workshops.<sup>9</sup> An 8-hour day was established in 1917 for employment in mills, smelters for the treatment of ores, underground mines, and in the washing, reducing, or treatment of coal.<sup>10</sup> Likewise an 8-hour day instead of a 9 was established in manufacturing, mechanical, and mercantile establishments.<sup>11</sup> By a 1917 act, mine inspectors were to be appointed by the industrial accident board.<sup>12</sup>

## NEBRASKA

Eighteen hundred and eighty-seven marks the start of Nebraska child-labor legislation. No child under 12 could work more than 4 months in any one year in factories, mines, railroad shops, or any shops. The police and constables were to enforce the law.<sup>1</sup>

A minimum age of 14 during school sessions and 10 in vacation times was established in 1899 for manufacturing, mechanical, and mercantile trades. Certain educational requirements were demanded for children under 14 desiring to enter employment. They must have attended school for at least 20 weeks in the year preceding employment and each year of employment. Certificates showing such attendance had to be presented to the employer together with a certificate of age furnished by the president or secretary of the school board. The deputy labor commissioner enforced.<sup>2</sup>

In 1907, the minimum age of 14 was extended to apply to all businesses during the hours public schools were in session.<sup>3</sup> Certain occupations were specifically mentioned: Theaters, concert-halls, places where intoxicating liquors were sold, mercantile establishments, stores, offices, hotels, laundries, manufacturing establishments, bowling alleys, elevators—passenger or freight—factories, workshops, or as messengers or drivers. Employment certificates were to be kept on file for children from 14 to 16, as also two complete lists of such children. Inspectors were granted the right to demand certificates for children apparently under 16. These certificates were issued by the school authorities on receipt of: (1) The school record showing the completion of the 8th grade or attendance at night school for at least 20 weeks a year; (2) documentary proof of age, or, in its absence, the affidavit of the parent. The issuing officer was to examine the child as to its ability to read and write simple sentences in English, and was to state that in his opinion it was 14 years of age, of normal development and sound health, and physically able to perform intended labor. In doubtful cases the medical officer of the board of health or a physician provided by the State board of inspection was to examine. The schooling certificate had to show attendance for at least three-quarters of the year, and ability to read and write. Night school attendance records were to be furnished by children who had not completed the 8th grade. The hours of employment for those under 16 were limited to 8 a day and 48 a week, and night work was prohibited between 8 p. m. and 6 a. m. The board of inspectors and truant officers enforced the provisions of this act and punished all violations. Certain dangerous occupations and street trades required 16 for a minimum age.<sup>4</sup> In these occupations also, the same hour and night work provisions held.

<sup>8</sup> 1907 C 99

<sup>9</sup> 1913 C 108

<sup>10</sup> 1917 C 30

<sup>11</sup> 1917 C 70

<sup>12</sup> 1917 C 92

<sup>1</sup> 1887 C 111

<sup>2</sup> 1899 C 108

<sup>3</sup> 1907 C 66

<sup>4</sup> Ibid

## NEVADA

In 1909 Nevada passed a compulsory education law.<sup>1</sup> It required children between the ages of 8 and 16 to attend school. The value of the law was impaired by exemptions, however. For any of the following reasons a child could be excused from school: Mental or physical incapacity; completion of the 8th grade; equivalent schooling in private classes; poverty—child's labor necessary for the support of self or family; too great a distance between school and home.

In 1911 the same law was re-enacted without change.<sup>2</sup> A new street trades law was passed, however, making it illegal for children under 10 to beg, peddle, or sell any articles, or sing on the streets for money.<sup>3</sup>

A general minimum age provision in 1912 prohibited males under 14 and females under 16 in any employment whatever without the written consent of a judge of the district court of the county. Specific occupations were also named—stores, shops, factories, mines, and inside employment not connected with farm or housework.<sup>4</sup> A minimum age of 18 was set for dangerous occupations, such as begging, indecent or immoral exhibitions, or messenger service to houses of prostitution.<sup>5</sup> For barkeeping, the minimum age was raised as high as 21.<sup>6</sup>

In 1913, the minimum age of 16 was established for certain specified physically and morally dangerous occupations, and the State board of health was granted power to extend the list. The hours for any gainful occupation were limited for boys under 16 and girls under 18 to 8 a day and 48 a week, excepting domestic service and farm work. Night messenger service between the hours of 10 p. m. and 5 a. m. in incorporated cities and towns was prohibited for persons under 18.<sup>7</sup>

An 8-hour day and 56-hour week was established in 1917 for women in manufacturing, mechanical, or mercantile establishments, laundries, hotels, public lodging houses, apartment houses, amusement places, restaurants, express or transportation companies. There were exemptions, however, for nurses, nurses in training, and women employed in harvesting, curing, canning, or drying perishable fruits or vegetables. Seats were to be provided for all women in employment.<sup>8</sup>

## NEW HAMPSHIRE

As early as 1846 New Hampshire enacted minimum age and maximum hours of labor legislation. The law provided that children under 15 must have the consent of their parents to work more than 10 hours a day; that children between 12 and 15 must have attended school three months in the year prior to employment and children under 12 must have attended 6 months; and that a certificate as to attendance must be sworn to by the teacher.<sup>1</sup> This educational qualification was re-enacted in 1848.<sup>2</sup> A truancy law was put in force in 1853 which required that all children who had no regular and lawful occupation should attend school.<sup>3</sup> In 1870 a penalty of not more than \$20 was provided for employing children under 15 without certificate signed by a majority of the school committee to the effect that child had attended school as required by law.<sup>4</sup> In 1871 the educational requirements were again made more comprehensive, requiring that children of 8 to 16 years attend school 12 weeks consecutively each year unless excused by the school board because of physical or mental incapacity or because of attendance at a private school.<sup>5</sup>

New Hampshire's first law with regard to public exhibitions by children was passed in 1877. Fourteen was the minimum age for dancing, playing on musical instruments, singing, wire or rope walking, or performing as a gymnast, contortionist, or acrobat in any circus or theatrical exhibition of in any public place.<sup>6</sup>

<sup>1</sup> 1909 C 130

<sup>2</sup> 1911 C 133

<sup>3</sup> 1911 C 197

<sup>4</sup> 1912 R S 6924 s 559

<sup>5</sup> 1912 R S 6823 s 558

<sup>6</sup> 1912 R S 6506 s 240

<sup>7</sup> 1913 C 232

<sup>8</sup> 1917 C 14

<sup>1</sup> 1846 C 318

<sup>2</sup> 1848 C 622

<sup>3</sup> 1853 Truancy Law

<sup>4</sup> 1870 C 24

<sup>5</sup> Pub Stat 1891 C 93

<sup>6</sup> 1877 C 53 p 38 (G L 269 24) Pub Stat

1891 C 265 Sec 3

The minimum age for children in manufacturing establishments was set in 1879 at 10 years.<sup>7</sup> An 1881 statute made it the duty of truant officers to enforce the laws prohibiting children working who had not attended school the prescribed time, but it was optional with the school boards to require this.<sup>8</sup> Another law passed this year increased the educational requirements, demanding that children 14 to 15 attend school 12 weeks the previous year; children 12 to 14, 6 months or such part thereof as the schools were in session; and children 10 to 12, the whole session; all children under 16 who were unable to read and write were required to attend school the entire session.<sup>9</sup>

The moral welfare of children was sought in an 1885 act which prohibited the hiring of minors to sell, give away, or distribute obscene literature, pictures, or advertisements and persons having care of minors were prohibited from permitting such employment. This law was re-enacted in 1887.<sup>10</sup>

Provisions regarding hours of labor were made in 1887. Ten hours a day and 60 a week were the maximum for boys under 18 and for all females, and posting of a notice of the hours of work was required. Exceptions to these hours might be made to provide for one shorter day per week or in case of repairs or breakdown. A certificate of age made by the minor or his parents had to be presented at the beginning of employment and this certificate was considered conclusive evidence.<sup>11</sup>

Between 1887 and 1899 no legislative action was taken toward child labor, but in the latter year the enforcement of the law prohibiting the employment of children under 16 who had not attended school the prescribed time was placed in the hands of truant officers at the option of the school board. These officers might visit establishments, demand names of children under 16, and inspect certificates and lists, and also inquire generally into the employment of children under 16 during the time schools were in session.<sup>12</sup> At the same time the educational requirement law was amended to permit children who had completed an approved graded grammar school or who had an equivalent education to work on the issuance of employment certificates by the school committees of the districts in which they resided.<sup>13</sup>

The minimum age was changed in 1901 to 12 years, and during public school sessions no child under 14 could work in manufacturing, mechanical, and mercantile establishments. Proof of age was established by a certificate sworn to by the parent or guardian before the superintendent of school, and in addition a certificate from the superintendent was necessary, showing that the child could read and write simple sentences in English. Illiterate minors could not be employed in towns where there was a free evening school unless they attended it, except on a special permit, if a regular practicing physician stated that such attendance would be prejudicial to health. The State superintendent and his deputies were given powers similar to those granted to truant officers for the enforcement of this law.<sup>14</sup>

The maximum hours were modified for women and minors under 18 by limiting the weekly total to 58 hours in July and August, the daily maximum of 10 hours and the 60-hour week remaining in effect for the balance of the year. Exceptions might be made to this rule in order to make a shorter workday for one day in the week; to make up time lost on some day of the same week because of stoppage of machinery; or to make necessary repairs.<sup>15</sup> This law was changed in 1907 by making the maximum day 9 hours and 40 minutes, and a 58-hour week throughout the year, though the same exceptions held good.<sup>16</sup>

A very comprehensive law was passed in 1911. It made 12 the minimum age for working in mill, factory, workshop, quarry, mercantile establishments, tenement house, store, office, telephone and telegraph offices, restaurant, bakery, hotel, apartment, barber shop, bootblack shop, or messenger service. In street trades, boys under 10 and girls under 16 were not allowed. In all gainful occupations except farm work and domestic service boys under 16 and girls under 18 were limited to 11 hours a day and 58 a week. Night work between 7 p. m. and 6.30 a. m. was prohibited for boys under 16 and girls under 18, except that girls over 16 might work until 10 p. m. in retail stores and telephone exchanges.

<sup>7</sup> 1879 C 21 p 349 Pub Stat 1891 C 93 sec 10 <sup>12</sup> 1899 C 70

<sup>8</sup> 1881 C 42 Pub Stat 1891 C 92 sec 18 <sup>13</sup> 1899 C 84

<sup>9</sup> 1881 C 56 p 475 Pub Stat 1891 C 93 Sec 11 <sup>14</sup> 1901 C 61

<sup>10</sup> 1885 C 10 1887 C 89 <sup>15</sup> 1905 C 102

<sup>11</sup> 1887 C 25 <sup>16</sup> 1907 C 94

In messenger service, children under 18 were not allowed between 10 p. m. and 5 a. m. Documentary proof of age was required, as was also a physician's certificate of physical fitness, a school record of attendance showing not less than 300 half days during the preceding year and ability to read and write English. Three State inspectors were to be appointed by the superintendent of public instruction, who were required to visit establishments and enforce the law. The local truant officers were also held responsible for enforcement of the statute.<sup>17</sup>

The minimum age was raised to 14 in 1913, for employment in the industries listed in the 1911 act, except that boys of 12 might deliver newspapers on routes between 3 and 8 p. m. The night work prohibition was changed to end at 5 a. m. for boys of 14 instead of 6.30 a. m. The maximum hours also were reduced to 10 hours and 15 minutes a day and 55 a week in manufacturing, mechanical, or mercantile establishments, laundries, restaurants, confectionery stores, or express or transportation companies. Children under 16 could not work during school hours unless they had completed the 8th grade.<sup>18</sup>

A change was made in the act concerning hours of labor for minors in 1915. Exception was allowed to the previous regulations for the 7 days immediately preceding Christmas for minors under 18 in mercantile establishments, but the total number of hours could not exceed 54 per week for the full year. Lost time might be made up providing actual labor did not exceed 10 hours and 15 minutes a day.<sup>19</sup> Vacation permits were also allowed in another law this year, and children receiving them did not have to have a school record or ability to read and write.<sup>20</sup>

Again in 1917 the hour provisions were changed. Boys under 18 and all females in manual or mechanical employment except household labor, nursing, domestic, hotel, and boarding house labor, farm labor, and telegraph or telephone operating, were limited to working 54 hours a week and 10 hours and 15 minutes a day. A restriction to 8 hours per day and 48 hours per week for night work was made to apply to minors under 18 as well as to all females. The exemption of 7 days fore Christmas mentioned in the previous paragraph was limited to regular employees. Provisions allowing time for meals and permitting the making up of time lost by accident were omitted, and a provision added that the total of employment of females or minors by more than one employer during the same day or week was not to exceed the time allowed in one single employment. This act did not apply to labor performed entirely in the manufacture of munitions or supplies for the United States Government or for the Government of New Hampshire while the United States was at war with any other nation.<sup>21</sup>

Compulsory school attendance was modified by the proviso that when it appeared to the superintendent of schools or member of the school board, that the educational welfare of a child over 14 would best be served by his withdrawal from school, said superintendent or member of board might present the case to the State superintendent public instruction, who might excuse the child from attendance.<sup>22</sup>

The governor was empowered in 1917 to suspend or modify all labor laws when requested by the Council of National Defense for specified periods during the then present war.<sup>23</sup>

The enforcement of labor laws and their administration was made the duty of the State commissioner of labor if not otherwise provided for by the statutes.<sup>24</sup>

## NEW JERSEY

The first law in New Jersey covering child labor was enacted in 1851, and prohibited children under 10 years of age from working in factories. The same law limited the hours of minors in manufacturing establishments to 10 a

<sup>17</sup> 1911 C 162

<sup>18</sup> 1913 C 224

<sup>19</sup> 1915 C 164

<sup>20</sup> 1915 C 61

<sup>21</sup> 1917 C 196

<sup>22</sup> 1917 C 152

<sup>23</sup> 1917 C 194

<sup>24</sup> 1917 C 183



day and 60 a week.<sup>1</sup> This law was amended in 1876 to exempt minors over 16 from the hours provision.<sup>2</sup>

In 1880 the minimum age for work in mines was set at 12 years. This law also prohibited minors under 15 from working in a dance house, concert saloon, and theater, or place of entertainment where wines, spirituous or malt liquors were sold, or in vocations injurious to health and morals, as acrobats, gymnasts, rope or wire walker, or for obscene and indecent exhibitions injurious to the health or dangerous to the life and limb, or for the purpose of prostitution, or in and about a house of assignation. A minimum age of 18 was provided for work as mendicants, singing, playing, or begging on the streets.<sup>3</sup>

A more comprehensive law was passed in 1883, making the minimum age in factories, workshops, mines and manufacturing establishments 12 years for boys and 14 for girls. In addition, an educational requirement for children 12 to 15 was required calling for a teacher's certificate showing that the child had attended day or night school 12 weeks during the preceding year. For children under 14, 10 hours a day and 60 a week was the maximum permitted. A certificate of age by the parent at the time employment began was held to be conclusive evidence of age. Exemption was made to these provisions for handling perishable fruits. Enforcement was placed in the hands of an inspector to be appointed by the governor.<sup>4</sup>

The 1883 act was amended the following year by making it optional with the inspector to demand a certificate of physical fitness from a regular practicing physician in specific cases, and he might prohibit a child working if such a certificate could not be obtained. Evidence of birth might be demanded by the inspector, either in the form of a birth certificate or, in its absence, an affidavit by the parent. These new regulations did not apply to preserving and canning industries.<sup>5</sup>

The minimum age for begging, singing, playing on musical instruments, for any mendicant purpose whatever, or for immoral conduct or occupation in the streets was made 18 in 1885.<sup>6</sup> Physically dangerous occupations were also prohibited to women and boys under 18. The work enumerated as dangerous was cleaning machinery in motion in factory or workshop or work between the fixed and traversing part of any machine while it was in motion by the action of steam or other mechanical power. A maximum day of 10 hours and a maximum week of 60 hours was fixed for minors under 16 in manufacturing, mechanical, or mercantile trades.<sup>7</sup>

In 1885 also school attendance was made compulsory for all children between 7 and 12 years of age, for at least 20 weeks. Physical or mental incapacity or private education exempted a child from this act. No child under 15 could be employed unless he had attended day or evening school 12 weeks. Children excused from work to go to school must do so unless excused by inspectors or school board for above reasons. Two weeks at part time session or evening school was considered equal to one week at a day school. The law was enforced through police officers, a member being detailed as truant officer, or through the constable.<sup>8</sup>

The power of inspectors was increased in 1886 by permitting them to appoint residents or citizens as deputies and by making it illegal to delay factory inspectors or conceal any child or children from them.<sup>9</sup> For singing, playing on musical instruments, rope walking, or dancing on the streets, or engaging in any mendicant or wandering business, the maximum age was set at 12 years.<sup>10</sup>

A number of changes in the child-labor laws were made in 1887. The 1883 law in regard to inspectors was amended to allow expenses of the inspectors to be paid.<sup>11</sup> Without a certificate of fitness from a reputable physician no minor under the age of 16 was permitted to do work dangerous to health.<sup>12</sup>

The 1883 inspection law was again amended in 1889 to provide that the governor appoint 6 inspectors.<sup>13</sup> In this year also the health and safety of women

<sup>1</sup> 1851 S 321

<sup>2</sup> 1876 C 189

<sup>3</sup> 1880 C 95

<sup>4</sup> 1883 C 57

<sup>5</sup> 1884 C 137

<sup>6</sup> 1885 C 57

<sup>7</sup> 1885 C 168

<sup>8</sup> 1885 C 217

<sup>9</sup> 1886 C 83

<sup>10</sup> 1886 C 94

<sup>11</sup> 1887 C 111

<sup>12</sup> 1887 C 175

<sup>13</sup> 1889 C 108

and child workers was protected by a law prohibiting their employment in a room above the second story from which there is only one way of egress.<sup>14</sup>

An act was passed in 1892 making 55 hours the maximum week for women and minors, the morning hours to be from 7 to 12, afternoon hours from 1 to 6, and on Saturday from 7 to 12 noon. An exception was made for work preserving perishable goods in canning establishments or in factories engaged in the manufacture of glass.<sup>15</sup>

The minimum age for dangerous occupations, such as begging, singing, playing on musical instruments, rope walking, dancing, or any other mendicant or wandering business, or immoral conduct or occupation on the streets, was raised to 18 in 1898.<sup>16</sup>

The educational prerequisite for employment was raised in 1902 so that no child under 15 could work in any business unless within the twelve months immediately preceding employment he had attended school five days or four evenings every week for 16 weeks or for two terms of 8 weeks each.<sup>17</sup> The number of inspectors was increased by the addition of 7 deputies in 1902, to be appointed by the governor.<sup>18</sup>

Night work in biscuit, bread, and cake bakeries was prohibited in 1903 for minors under 18 between 7 p. m. and 7 a. m.<sup>19</sup> In this year the governor was empowered to suspend or discharge inspectors who were held responsible to him for faithful discharge of their duties.<sup>20</sup> The minimum age for factory, workshop, mine, or any place where manufacturing was carried on was raised to 14, an affidavit of age by the parent or guardian at time of employment being sufficient evidence. Inspectors could demand certificates of physical fitness for children who seemed physically unable to do the work.<sup>21</sup>

After repealing a number of former acts<sup>22</sup> the legislature in 1904 enacted a law making the minimum age for employment 14 (and for cleaning machinery 16). The employer was required to file certificates of age from the parents. These certificates consisted of birth or baptismal records for native-born children or passports for foreign-born. In case no such record could be obtained the commissioner was empowered to issue employment permits upon production of evidence of age satisfactory to him. Certificates of physical fitness could be required by the commissioner for children under 16 who seemed physically unable to do their work. The hours of labor for minors under 16 were 10 per day or 55 per week.<sup>23</sup>

The night work prohibition for bakeries was re-enacted in 1905. The hours were limited to 10 a day and 60 a week and overtime to not more than 2 hours a day.<sup>24</sup>

The 1907 legislature made the maximum week 58 hours for children under 16, and provided that a list of children, with transcripts from the birth or baptismal register be kept by the employer (in case of foreign-born children, passport transcript); but the commissioner of labor might issue permits if a child could not obtain documentary evidence.<sup>25</sup> A department of labor was created this year. Inspectors were instructed to make out a list of minors discharged from employment and to send this to the principal of the school in the district or to truant officer.<sup>26</sup> Another addition was made to the number of inspectors in 1908, two more being authorized, one of them to be a woman.<sup>27</sup>

In 1910, night work between 6 p. m. and 6 a. m. was prohibited after July 1, 1910, to children under 15, and after July 4, 1911, to children under 16.<sup>28</sup> For messenger service this provision was changed in 1911 to prohibit minors under 21 in first-class cities and those under 18 in other cities to work between 10 p. m. and 5 a. m., except by permit from the commissioner of labor to deliver telegrams or telephone messages in extraordinary circumstances. This regulation was enforced by the commissioner of labor.<sup>29</sup>

The night work law was further changed in 1911 by prohibiting minors under 16 from working between 7 p. m. and 7 a. m. except one day a week on which

<sup>14</sup> 1889 C 287

<sup>15</sup> 1892 C 92

<sup>16</sup> 1898 C 235

<sup>17</sup> 1902 C 36

<sup>18</sup> 1902 C 271

<sup>19</sup> 1903 C 64

<sup>20</sup> 1903 C 66

<sup>21</sup> 1903 C 201

<sup>22</sup> 1904 C 83

<sup>23</sup> 1904 C 64

<sup>24</sup> 1905 C 102

<sup>25</sup> 1907 C 229

<sup>26</sup> 1907 C 257

<sup>27</sup> 1908 C 273

<sup>28</sup> 1910 C 277

<sup>29</sup> 1911 C 363

they might work until 9 p. m. and until 10 p. m. between December 15th and 25th. The commissioner of labor and truant officers enforced this law. Certificates of documentary proof of age were required to be kept by the employer for children actually or apparently under 16.<sup>30</sup>

Bakeries seemed to be a favorite field for child labor regulation in New Jersey. In 1912 night work between 7 p. m. and 7 a. m. was permitted for boys under 16 in certain establishments. The hours were to be 10 a day and 60 a week with overtime of only 2 hours in emergencies.<sup>31</sup>

School attendance was required for children between 7 and 16 years of age by a 1913 act, except that children 14 to 16 who had age and schooling certificates and were lawfully employed could be excused.<sup>32</sup> This law was re-enacted in 1914.<sup>33</sup>

Nineteen hundred and fourteen was an important year in the field of child labor legislation. A minimum age of 16 was set for certain dangerous occupations. In these same occupations minors were not permitted to work more than 8 hours a day or 48 a week nor between 7 p. m. and 7 a. m. nor on Sunday.<sup>34</sup> In mercantile establishments the minimum age was set at 14, and maximum hours for all children under 16 were reduced to 8 a day and 48 a week, the night work and Sunday prohibitions as mentioned above being also effective for mercantile establishments. Police officers and agents of incorporated S. P. C. C. branches could inspect for violations.<sup>35</sup>

In order to be exempted from attending school the following rules had to be observed: (a) Proofs of age accepted in following order, birth certificate, passport, or transcript of baptism certificate, other documentary evidence except school record or affidavit of parent or guardian, certificate of medical inspector based on examination without removal of clothing; (b) certificate to be issued only if child is proved over 14 years old, has a medical certificate of normal development and physical ability to work, and proficiency in school work is equivalent to 5 yearly grades; (c) certificate to be passed on by State department of labor.<sup>36</sup>

The minimum age of 14 was also extended to work in mines and quarries, and 1 additional inspector was appointed in 1914 to oversee such work.<sup>37</sup> Special permits to work were allowed by this same law for light work, such as selling papers, blacking shoes, running errands, during hours when school was not in session, but not before 6 a. m. or after 7 p. m., for children between 10 and 16 whose school standing or health would not be injured thereby.<sup>38</sup>

In order to make the minimum age of 14 effective in all work, the prohibition was specifically extended to cover newspaper plants, printeries, commercial laundries, and places where printing of any kind was carried on.<sup>39</sup>

To permit of effective vocational education a law was passed in 1916 to provide for the issuance of special employment certificates by the commissioner of education and the commissioner of labor for pupils over 14 and attending vocational schools and working part time in factories, workshops, mills, and all places where the manufacture of goods is carried on, designated by the board of education.<sup>40</sup> This year also saw a reorganization of the department of labor, 8 bureaus being created, including a bureau of inspection and a bureau of hygiene and sanitation.<sup>41</sup> Further provisions as to labor inspectors were made in 1917.<sup>42</sup>

The 1918 legislature amended the child-labor law relating to mercantile establishments by making the following changes: (a) Mercantile establishments were construed to mean any place of employment of any person for wages or other compensation, other than factory, workshop, mill, place where the manufacture of goods is carried on, mine, quarry, or farm; (b) penalties were changed so that the employer was liable only when he habitually violated the law and was thereby deemed guilty of keeping a disorderly house.<sup>43</sup>

<sup>30</sup> 1911 C 136

<sup>31</sup> 1912 C 127

<sup>32</sup> 1913 C 221

<sup>33</sup> 1914 C 223

<sup>34</sup> 1914 C 252

<sup>35</sup> 1914 C 253

<sup>36</sup> 1914 C 223

<sup>37</sup> 1914 C 236

<sup>38</sup> 1914 C 223

<sup>39</sup> 1914 C 60

<sup>40</sup> 1916 C 242

<sup>41</sup> 1916 C 40 and C 54

<sup>42</sup> 1917 C 58

<sup>43</sup> 1918 C 204

## NEW MEXICO

New Mexico has enacted very little legislation in this field. In 1889 a minimum age of 12<sup>1</sup> was established which was later raised to 14<sup>2</sup> for employment in mines. A school census was required to be taken in 1917, and certain enforcement provisions were put into effect.<sup>3</sup> In 1919 a compulsory school attendance law required children from 6 to 16 to attend school, but children over 14 could be excused if employed or intending to be employed. In districts where 15 employment certificates had been issued, continuation schools were required to be established for not less than 150 hours per year and 5 hours per week, between 8 a. m. and 6 p. m.<sup>4</sup>

## NEW YORK

The earliest law in New York was the truancy law of 1853.<sup>5</sup> It required that children between the ages of 5 and 14 attend school, but a lawful occupation sufficed for an exemption. In 1865 a law regulating railroads was passed.<sup>6</sup> This law was not a protective one. It made it legal to employ any inhabitant of the State of the age of 21 as a car driver or conductor or in any other capacity notwithstanding any law to the contrary.

The minimum age of 16 was established in 1874 for mendicant or wandering businesses.<sup>7</sup> The same year it was required that the school trustees examine the condition of children employed in manufacturing establishments and report any violations of the law.<sup>8</sup> The compulsory education law demanded attendance of all children from 8 to 14 years of age for at least 14 weeks a year, 8 to be consecutive.<sup>9</sup> No child could be employed during school hours unless he had attended for the required period, and had a certificate to this effect signed by the teacher. The trustees of the school board were to enforce the provision and the board of education or trustees were to make rules concerning truants and provide suitable places for the children. If evening school attendance was substituted, two weeks were to be counted for all purposes as one week at day school. In 1876 the minimum age of 16 was established in occupations dangerous to health or morals.<sup>10</sup> This law practically repealed the law of 1874 in relation to mendicant children, but increased the list of prohibited occupations. The compulsory education law<sup>11</sup> amended the act of 1874 in minor details, but did not change substantially any of the provisions.

In 1877 a child actually or apparently under 14 was not allowed to be admitted or to remain in a saloon, dance house, theater, etc., unless accompanied by parents.<sup>12</sup>

Fourteen was established as the age minimum in 1881 for picking or assorting rags, cigar stumps, bones, refuse, etc., or for begging. The minimum age was raised to 16 for playing any game of chance or skill in or adjacent to a place where liquor was sold. Magistrates were to issue warrants in cases of girls under 16 living in houses of prostitution.<sup>13</sup>

The dangerous occupation law of 1883 made the minimum age for girls 14 and for boys 16. Usually the higher minimum age was set for girls. Dangerous occupations included rope walking, dancing, peddling, and immoral exhibitions.<sup>14</sup>

The minimum age in these occupations was raised in 1886 to 16 for both boys and girls.<sup>15</sup> In manufacturing establishments no child under 13 could be employed and certificates were required for children between the ages of 13 and 16. The hours were limited to 60 a week for women under 21 and minors under 18, with an exemption in case it was necessary to make repairs. Lists of names and hours of women under 21 and minors under 18 were required to be posted.<sup>16</sup>

The following year the 1886 law concerning manufacturing establishments

<sup>1</sup> 1889-91 U S Statutes at Large C 564

<sup>2</sup> Con Art 17 s 2

<sup>3</sup> 1917 C 105 ss 18 and 35

<sup>4</sup> 1919 C 69

<sup>5</sup> 1865 C 246

<sup>6</sup> 1874 C 116

<sup>7</sup> 1874 C 421

<sup>8</sup> Ibid

<sup>9</sup> 1876 C 122

<sup>10</sup> 1876 C 372

<sup>11</sup> 1877 C 428

<sup>12</sup> 1881 C 496

<sup>13</sup> 1883 Penal Code C 3

<sup>14</sup> 1886 C 31

<sup>15</sup> 1886 C 409

was re-enacted with few changes. An affidavit of date and place of birth was required for the legal employment of children under 16. A new provision demanded that elevator shafts be protected and rails for stairs provided. A minimum of 45 minutes was required for the noon-day meal.<sup>12</sup> No female under 21 and no male under 18 was allowed to clean machinery in motion. The district attorneys, upon request of the factory inspector, were to prosecute violation.<sup>13</sup> Minors could not be employed to sell or distribute immoral literature.<sup>14</sup>

In 1889 a law was passed forbidding the employment of women under 21 and boys under 18 in manufacturing establishments between the hours of 9 p. m. and 6 a. m. The minimum age in such establishments was 14, and 16 if unable to read and write simple English. Vacation times were excepted. The other provisions were the same as before.<sup>15</sup>

An act of 1890 amended chapter 406 of the laws of 1886 by adding in the hour provision a prohibition of more than 10 hours in any one day, and night work between 9 p. m. and 6 a. m. The original provisions remained unchanged.<sup>16</sup>

In 1892 any child actually or apparently under the age of 16 was forbidden employment in dangerous occupations.<sup>17</sup> This was practically the same as the provision of 1886, chapter 31, which amended the penal code, section 292, by raising the minimum age to 16 for both boys and girls. Formerly it was 14 for girls and 16 for boys. In manufacturing establishments, the maximum hours for minors under 18 and women under 21 were 60 a week and 10 a day. An exemption allowed one longer day if the overtime was compensated for by one shorter work day. The same night work prohibition remained in force. The minimum age for general employment in manufacturing establishments was raised from 13 to 14. The affidavit of parent or guardian as to age of child was required to be kept on file as in 1886. A new requirement demanded of children under 16 the ability to read and write simple English. A certificate of physical fitness could be required of a minor employee by the factory inspector if he deemed the child physically incapable of doing the work at which he was engaged. For the operation of elevators the minimum age was 15—18 if the speed was over 200 feet a minute. For cleaning machinery in motion the age minimum was 18 for boys and 21 for girls. Suitable sanitary washrooms, etc., were to be provided, separate for the sexes.<sup>18</sup>

A new compulsory education law was enacted in 1894. All children between the ages of 8 and 16 were required to attend school. It was made illegal to employ children between the ages of 8 and 12 when schools were in session, or between 12 and 14 without a certificate stating that the child desiring employment had complied with the law relating to attendance.<sup>19</sup>

This law was amended in 1896.<sup>20</sup> The school age remained the same, but a new provision required the further attendance of children from 14 to 16 years of age who were not regularly employed. The length of the school term was set for at least 80 days exclusive of vacations, holidays, absences, etc. The attendance officer had the power to arrest truants. The minimum age in manufacturing establishments was 14, as previously enacted. The age at which vacation certificates could be issued was raised from 12 to 14.<sup>21</sup> The provisions concerning mercantile establishments were not substantially changed. The requirements of the employment certificate demanded for children from 14 to 16 years of age were more definitely stated. The certificate was to contain the date, place of birth, personal description of the child, statement of physical ability to do intended work, affidavit of the parent as to the child's age, affidavit of regular attendance at public school or the equivalent for a period of at least one year. This act, in evident contradiction to chapter 991, permitted the issuance of vacation certificates to children of 12 who had fulfilled all the requirements for employment certificates except school attendance. These certificates permitted employment only when schools were not in session. Provisions were made for seats for girls and the 45-minute period for the noon-day meal. The sani-

<sup>12</sup> 1887 C 462

<sup>13</sup> Ibid

<sup>14</sup> 1887 C 692

<sup>15</sup> 1889 C 560

<sup>16</sup> 1890 C 398

<sup>17</sup> 1892 C 309

<sup>18</sup> 1892 C 673

<sup>19</sup> 1894 C 671

<sup>20</sup> 1896 C 606

<sup>21</sup> 1896 C 991

tary provisions were practically a repetition of the provisions in 1892, chapter 673.<sup>22</sup>

The following year a new child-labor law was enacted regulating the employment of children in factories.<sup>23</sup> The provisions, however, were practically the same as those previously enacted. The law relating to mercantile establishments was likewise little different from that previously enacted. An exemption from the hour provisions allowed overtime during the Christmas rush, from December 15th to January 1st.<sup>24</sup>

In 1899 a law was passed forbidding males under 18 and all females to work in any factory operating or using any polishing or buffing wheel. Enforcement lay with the factory inspector.<sup>25</sup>

This law was amended in 1903,<sup>26</sup> but the amendment consisted merely in increasing the list of articles the manufacture of which was regulated. New provisions were enacted for hours in factories. No minor under 16 could be employed between 9 p. m. and 6 a. m., nor for more than nine hours a day. No male under 18 and no female, formerly "no female under 21," could be employed between 9 p. m. and 6 a. m., nor for more than 10 hours a day.<sup>27</sup> The minimum age of 15 was established for operating an elevator in a factory. If the speed exceeded 200 feet a minute the minimum age was raised to 18. For cleaning machinery in motion the minimum age was 18 for males and 21 for females.<sup>28</sup> Children upward of 12 could be employed in mercantile establishments, in villages and cities of the second and third class during the summer vacation. Employment certificates were to be filed by the employer for all children under 16.<sup>29</sup> A 9-hour day and 54-hour week was established for children under 16 and a 10-hour day and 60-hour week for females under 21 in stores, offices, telegraph offices, restaurants, hotels, apartment houses, and in the distribution or transmission of merchandise and messages. On Saturdays a longer work day was permissible provided the total did not exceed 60 hours a week. Exemptions were also made during the Christmas season, from December 15th to January 1st. Night work between 10 p. m. and 7 a. m. was forbidden for children under 16 and females under 21.<sup>30</sup> The compulsory education law contained the same provisions as those enacted in 1894, except that it was unlawful to employ children under 14, formerly 8 and 12, when schools were in session, or children between 14 and 16, formerly between 12 and 14, without certificates.<sup>31</sup> All women and girls were forbidden employment in barrooms, exceptions being made for members of the proprietor's family.<sup>32</sup> The street trades law made it illegal for boys under 10 and girls under 16 to sell newspapers in public places.<sup>33</sup> Boys under 14 had to have badges showing that they were at least 10 years old. The badge was required to be worn conspicuously. The permit issued with the badge had to contain the date and place of birth, the name and address of parent or guardian, and a personal description of the child. This badge did not permit employment after 10 p. m.

In 1904 a dangerous occupations law re-enacted provisions already in force.<sup>34</sup> In 1905 it was required that a register be kept of all employees under 16 in stores, factories, and other establishments.<sup>35</sup> It became unlawful to employ children under 14, formerly 12, when schools were in session; or between 14 and 16, formerly between 12 and 14, without certificates; or to employ in a city of the first or second class, any child between 14 and 16 who has not completed the elementary grades. The employment certificate had to show school attendance for 130 days during the year next preceding the child's 14th birthday or his application for permit.<sup>36</sup> Other requirements for the certificate were a passport, birth certificate, and affidavit of parent as to child's age.<sup>37</sup> There were no important changes in the street trades law.<sup>38</sup>

<sup>22</sup> 1896 C 384

<sup>23</sup> 1897 C 415

<sup>24</sup> Ibid

<sup>25</sup> 1899 C 375 and C 192

<sup>26</sup> 1903 C 561

<sup>27</sup> 1903 C 184

<sup>28</sup> Ibid

<sup>29</sup> 1903 C 255

<sup>30</sup> Ibid

<sup>31</sup> 1903 C 459

<sup>32</sup> 1903 C 486

<sup>33</sup> 1903 C 151

<sup>34</sup> 1904 C 291

<sup>35</sup> 1905 C 493

<sup>36</sup> 1905 C 280

<sup>37</sup> 1905 C 518

<sup>38</sup> 1905 C 519

The 1906 law provided for a 9-hour day and 54-hour week for children under 16 employed in mercantile establishments, offices, hotels, etc. This was not a new provision. Employment for children under 16 was likewise prohibited as formerly between 10 p. m. and 7 a. m., and in cities of the first class, between 7 p. m. and 7 a. m.<sup>39</sup> In factories and mercantile establishments the prohibition of night work for minors under 16 was changed from "9 p. m. to 6 a. m." to "7 p. m. to 6 a. m."<sup>40</sup> No child under 16 and no female could be employed in any mine or quarry in the State.<sup>41</sup>

In 1907 no minor under 16 could be employed in factories between 5 p. m. and 8 a. m., formerly 7 p. m. and 6 a. m., or for more than 8 hours a day, formerly 9 hours a day.<sup>42</sup> Children under 16 could not be employed more than 6 days in any 1 week. No male under 18 and no female could be employed more than 6 days a week nor between midnight and 4 a. m.<sup>43</sup> The 1907 compulsory school attendance law was practically the same as that already in force, but the night school provisions were new. Boys between the ages of 14 and 16, lawfully engaged and in possession of a school record, but who had not completed the elementary grades, had to attend night school for at least 6 hours a week for not less than 16 weeks.<sup>44</sup> The street trades law forbade employment between 10 p. m. and 6 a. m. The police officers and regular attendance officers enforced these provisions.<sup>45</sup> There were practically no changes in the regulations concerning employment certificates.<sup>46</sup>

The first compulsory education law of 1909 demanded the attendance of children between 8 and 14 for as many days as school was in session; and between 14 and 16, if not regularly and lawfully employed or if in a city of the first or second class and without employment certificate.<sup>47</sup> A later law repealed this and required school attendance for not less than 160 days of children between the years of 7 and 16. Night school attendance for 6 hours a week for 16 weeks or trade school attendance 8 hours a week for 16 weeks was required for boys from 14 to 16 years of age who had not completed the elementary school course.<sup>48</sup> The commissioner of education was to supervise enforcement.

No child under 16 was allowed to work on drill presses, metal or paper cutting, and corner staying machines in paper box factories, by a 1910 statute.<sup>49</sup> Seven p. m. was named as the closing hour for children under 16 in bowling alleys and places of amusement. Employees working after 7 p. m. were required to have a 20-minute period for lunch between 5 p. m. and 7 p. m.<sup>50</sup> Night messenger work was prohibited between 10 p. m. and 6 a. m. for minors under 21.<sup>51</sup>

In 1911 the minimum age of 14 was extended to cover employment in barber shops, shoe polishing establishments, theaters, and stores. Night work was forbidden between 7 p. m. and 8 a. m. Exemptions were made for children employed as musicians or acting with the mayor's permit as prescribed in the penal law. Summer permits for children over 12 in mercantile establishments were abolished.<sup>52</sup>

The 1912 law regulating employment in factories prohibited boys under 18 and girls under 21 from working more than 9 hours a day and 54 hours a week. Canning and preserving between June 15th and October 15th were exempted.<sup>53</sup> A new requirement of employment certificates demanded that physical fitness be determined in all cases by a medical officer of the department of health.<sup>54</sup> No boy under 18 and no woman or girl was permitted to sell or serve liquor.<sup>55</sup>

In 1913 the minimum age of 14 was extended to all work done for any factory. Boys over 12 could be employed to gather produce, but not for more than 6 days a week. This law did not apply to a farmer's own chil-

<sup>39</sup> 1906 C 490

<sup>40</sup> Ibid

<sup>41</sup> 1906 C 375

<sup>42</sup> 1907 C 286

<sup>43</sup> 1907 C 507

<sup>44</sup> 1907 C 585

<sup>45</sup> 1907 C 588

<sup>46</sup> 1907 C 291

<sup>47</sup> 1909 C 16

<sup>48</sup> 1909 C 409

<sup>49</sup> 1910 C 107

<sup>50</sup> 1910 C 387

<sup>51</sup> 1910 C 342

<sup>52</sup> 1911 C 866

<sup>53</sup> 1912 C 539

<sup>54</sup> 1912 C 333

<sup>55</sup> 1912 C 264

dren.<sup>56</sup> Where part-time or continuation schools were established, the board of education could require the attendance of employed persons between 14 and 16 years of age for from 4 to 8 hours a week for 36 weeks, between 8 a. m. and 5 p. m.<sup>57</sup> The minimum age for newsboys was raised from 10 to 12, and night work was forbidden after 8 p. m., formerly 10 p. m. A child over 7, violating these provisions, could be adjudged guilty of juvenile delinquency and sent to a reform school. The parent would be considered guilty of a misdemeanor.<sup>58</sup> Children between the ages of 14 and 16, employed in factories, had to submit to examination whenever requested by the medical inspector of the department of labor, and if found physically unfit, the employment certificate was canceled.<sup>59</sup> For employment at machines determined dangerous by the industrial board, the minimum age of 16 was established. In certain other trades and processes considered extra hazardous, 18 was the age minimum.<sup>60</sup>

The hours in mercantile establishments for children under 16 were reduced in 1914 from 9 a day and 54 a week to 8 a day and 48 a week. The hour for ceasing in the evening was 6 instead of 7 p. m.<sup>61</sup> No boy under 12 could distribute newspapers between the close of school and 6.30 p. m., and no boy under 14 could distribute them between 5.30 and 8 a. m. For such employment special badges had to be obtained from the school authorities.<sup>62</sup>

In 1915, the hour law for women was amended to allow more than 9 hours a day for the purpose of making 1 or more, formerly 1, shorter work days in the week.<sup>63</sup>

In 1916, the employment certificate provisions of the child-labor law were amended to take effect February 1st, 1917. The age at which employment certificates could be obtained was raised from 14 to 15 unless a child had completed the 8th grade. The specific permission to accept a certificate of graduation as evidence of age was repealed. The officer issuing certificates upon documentary evidence of age other than the birth certificate, graduation certificate, passport, or baptismal certificate, was formerly instructed to file with the local board of health for its approval a signed statement showing the facts "together with such affidavits or papers as may have been produced before him constituting evidence;" the words "affidavits or" were omitted. Formerly the evidence had to be approved by the board of health at a regular meeting; by this act the commissioner of health, or if officially authorized, the issuing officer himself, could approve the evidence, the record of which had to be entered on the minutes of the next meeting of the board. The literacy requirement was changed from "to read and legibly write" simple English sentences to "read and write correctly" simple English sentences.<sup>64</sup> Posing in connection with making moving picture films was prohibited to children under 16 unless a special permit was secured from the mayor of the city or president of the board of trustees of the village. Application for permit had to be accompanied by a detailed statement of just what the child was required to do. This permit requirement formerly applied only to children in theatrical exhibitions, or as musicians in concerts.<sup>65</sup>

In 1917, the law relating to courts concerning certificates issued and refused was amended by requiring the local board of health to send weekly reports of children issued or refused employment certificates to the local superintendent of schools, and by requiring the commissioner of labor to send to the local superintendents monthly reports of children found working illegally.<sup>66</sup> The school record certificate, formerly issued to any child who had completed the 6th grade, was issued only to children who had completed the 8th grade, provided that they had not attained their 15th birthday. Children 15 years of age could obtain a certificate if they had completed the 6th grade. This provision was practically the same as that enacted in 1916. The administrative detail alone was new, requiring

<sup>56</sup> 1913 C 529

<sup>57</sup> 1913 C 748

<sup>58</sup> 1913 C 618

<sup>59</sup> 1913 C 144 and C 200

<sup>60</sup> 1913 C 464

<sup>61</sup> 1914 C 331

<sup>62</sup> 1914 C 21

<sup>63</sup> 1915 C 386

<sup>64</sup> 1916 C 465

<sup>65</sup> 1916 C 278

<sup>66</sup> 1917 C 536



the proof of the child's graduation to be shown before the child could get the school record."<sup>67</sup> The law organizing juvenile departments in public employment offices was amended. The organization of separate juvenile placement departments in first and second-class cities was made compulsory instead of optional.<sup>68</sup> A 9-hour day, 54-hour week, and 6-day week, and the prohibition of night work between 10 p. m. and 6 a. m. in restaurants was established for females over 16. Performers or attendants in ladies' cloak rooms, and women employed in dining rooms or kitchens of hotels, or in lunch rooms conducted by employers solely for their employees, were exempted.<sup>69</sup> The provisions of compulsory education laws were suspended between April 1st and November 1st at the discretion of the commissioner of education for the purpose of permitting children to aid in farm work.<sup>70</sup> The period during which school was required to be in session was raised from 160 to 180 days.<sup>71</sup>

The certificate provisions were somewhat changed in wording in 1918, but no important changes were made.<sup>72</sup> Children between the ages of 14 and 16 could be granted permits to work during the summer vacation in mercantile establishments and business offices, by satisfying all the requirements for a regular employment certificate except the presentation of a school record. Instead, a certificate of attendance, showing 130 days' school attendance in the previous year was required. The permit was good only from July 1st to August 31st, and was to be granted to the employer and not to the child. A promise of employment was required; the permit had to be returned to the issuing officer upon termination of the child's employment. To obtain a permit for a new employer the child had to undergo a new physical examination.<sup>73</sup> Females under 21 could not be employed as messengers for telegraph or messenger companies, and women over 21 could not be so employed for more than 6 days or 54 hours a week, or between 10 p. m. and 7 a. m. Provisions for meal time, the posting of hours, provisions for wash rooms, etc., in mercantile establishments were made applicable to these employments also.<sup>74</sup> Minors between 16 and 21, not possessing such ability to speak, read, and write English as was required for the completion of the 5th grade, had to attend some day or evening school, unless physically or mentally incapacitated. Employers had to keep weekly records of their attendance. Any employer could meet the requirements of this act by conducting classes for teaching English and civics to the foreign-born in his own shop, store, plant, or factory, and attendance upon such classes would satisfy the requirements of this act.<sup>75</sup>

## NORTH CAROLINA

By an act of 1897 it became illegal for any child under the age of 12 to work in mines. When a child's age was doubtful, the inspector could examine under oath the child, his parents, or other witnesses.<sup>1</sup>

In 1903, the minimum age of 12 was extended to cover factories. The hours for children under 16 were limited to 66 a week. A violation of this provision was considered a misdemeanor. A parent failing to furnish the employer with a written statement of age, or misstating the age, could be punished at the discretion of the court.<sup>2</sup>

The minimum age in factories and manufacturing establishments was raised in 1907 to 13 for children who had not attended school 4 months out of the preceding 12. Sixty-six hours a week was the maximum as before for children under 18. A new night work provision prohibited the employment of children under 14 between 8 p. m. and 5 a. m. Parents or employers violating this act were judged guilty of a misdemeanor.<sup>3</sup>

<sup>67</sup> 1917 C 563

<sup>68</sup> 1917 C 749

<sup>69</sup> 1917 C 535

<sup>70</sup> 1917 C 689

<sup>71</sup> 1917 C 563

<sup>72</sup> 1918 C 459

<sup>73</sup> 1918 C 628

<sup>74</sup> 1918 C 434

<sup>75</sup> 1918 C 415

<sup>1</sup> 1897 C 251

<sup>2</sup> 1903 C 473

<sup>3</sup> 1907 C 463

The hours for children under 18 were reduced in 1911 from 66 to 60 a week.<sup>4</sup>

A 1913 statute allowed children over 12 to be employed in factories as apprentices.<sup>5</sup> In employment, other than apprenticeship, 13 was the age minimum. Night work was prohibited under the age of 16 between the hours of 9 p. m. and 6 a. m. Certificates, showing age and school record, were required of children under 16. The county superintendent of public schools was charged with the investigation of violations.<sup>6</sup> The compulsory school age was from 8 to 12.<sup>7</sup>

The compulsory school age was raised in 1917 from 12 to 14. In Mitchell and Polk counties school attendance was demanded until the age of 15. The provision permitting the county school boards to raise the age to 13 or 14 was repealed.<sup>8</sup> A proposal was made in 1917 to amend the constitution so as to require school districts to maintain schools for 6 months instead of 4. This proposal was ratified in the general election of 1918.<sup>9</sup>

## NORTH DAKOTA

A 10-hour day was established in 1887, in manufacturing and mechanical establishments and in workshops, for children under 14 and for women. The law made it illegal to "permit" any child under 14 or to "compel" any child under 18 to work more than 10 hours a day.<sup>1</sup>

By acts of 1890 and 1891, no child between the ages of 8 and 14 could be employed during hours when the public schools were in session unless his employer had a certificate issued by the superintendent of schools or clerk of the school board, showing that the child had attended school for 12 weeks during the year, had been excused from attendance because his services were necessary for the support of his family, had already acquired the ordinary branches of learning taught in the public schools, or was in such physical or mental condition as to render attendance inexpedient.<sup>2</sup> An absolute minimum age of 12 was established for employment in mines.<sup>3</sup>

The compulsory education law of 1903<sup>4</sup> was not substantially different from that of 1890. The only change was the addition of a new exemption. A child could be excused if he lived more than 2½ miles from the school. The president of the school board was charged with the enforcement of this act, and could be fined from \$5 to \$20 for not fulfilling his duties.

In 1909 the minimum age was raised to 14 in mines, factories, workshops, mercantile establishments, stores, business offices, telegraph offices, restaurants, hotels, apartment houses, and in the distribution or transmission of messages or merchandise, or in any service at all when public schools were in session. No child under 16 could work in certain dangerous occupations—about machinery or elevators, in preparing compositions in which dangerous or poisonous acids were used, manufacturing goods for immoral purposes, or in any occupation that could be considered dangerous to life, limb, health, or morals; in theaters, concert halls, places of amusement where liquor was sold, or in any occupation demanding constant standing of women employees. Persons under 16 could not work more than 8 hours a day or 60 (sic) hours a week. The employment of children under 16 was forbidden between the hours of 7 p. m. and 7 a. m. Employment certificates, required of children between 14 and 16 years of age, had to be kept on file by the employers. They were furnished by the school superintendent or clerk of the school board, on receipt of the school record, documentary evidence of age, or parent's affidavit. The school record was to show attendance for at least 120 days in the year prior to the 14th birthday, or application for certificate. Ability to read and write simple sentences in English was a requirement of the school record.<sup>5</sup>

<sup>4</sup> 1911 C 85

<sup>5</sup> 1913 C 45a

<sup>6</sup> 1913 C 64

<sup>7</sup> 1913 C 173

<sup>8</sup> 1917 C 208

<sup>9</sup> 1917 C 192

<sup>1</sup> 1887 ss 739 6931

<sup>2</sup> 1890 C 62 1891 C 56

<sup>3</sup> 1890 s 209

<sup>4</sup> 1903 C 84

<sup>5</sup> 1909 C 153

An 8-hour day and 48-hour week was established in 1911 for children under 16 years of age.<sup>6</sup>

A public welfare commission was created in 1917 to investigate woman and child labor, among other things, and to report to the next assembly, recommending legislation.<sup>7</sup> The compulsory school attendance law was amended so as to require attendance from 7 until 17 unless the child had completed the 8th grade. Previously, 8 to 15 was the school age. The exemptions were not changed substantially. A child's right to a poverty exemption had to be "determined by the State's attorney subject to appeal."<sup>8</sup>

## OHIO

The movement for the protection of children in industry began in Ohio in 1852, when children under 14 could not be "allowed" to work more than 10 hours a day and women and children under 18 could not be "compelled" to work longer than that. From then on till 1874 no addition was made to this law, but in 1874 the minimum age was set at 12 years for mine work, or 16 years if the child could not read and write. The State agent saw that the provisions of this law were not violated.<sup>1</sup> The following year a law was passed to prevent children under 17 years from engaging in the following dangerous occupations: Singing, playing on musical instruments, rope walking, dancing, begging or peddling in any public street, or in any mendicant or wandering business whatever.<sup>2</sup> This act was changed in 1876 by making the minimum age 14, including as dangerous occupations, gymnast, contortionist, rider, or acrobat, or any occupation for indecent or immoral purpose or vocation injurious to health or dangerous to life and limb.<sup>3</sup>

The first Ohio compulsory education law came in 1877. Children between 8 and 14 were required to go to school at least 12 weeks a year unless excused for: (1) Mental or bodily condition; (2) time and labor essentially necessary for the support of an indigent parent, brother, or sister; (3) otherwise furnished with education; (4) branches given in public schools already acquired; (5) school 2 miles distant from home. Further, the law prohibited employers in mills or mines from employing children under 14 during school hours unless the child has lived in Ohio a year before employment, was dependent on his own resources, had attended school 12 weeks in year preceding employment, and delivered employment certificate of these facts from the school authorities. Employment could not continue more than 40 weeks from time the act took effect unless child delivered an excuse from attendance as before mentioned. The law was enforced through the board of education. Two weeks' attendance at part-time or night school was considered equivalent to a week at day school. The board of education was required to ascertain twice a year the condition of children under 14 employed in daily labor, and to report any violation of the law.<sup>4</sup>

The minimum age for factory, workshop, or any manufacturing establishment was made 12 years in 1885. This statute also set maximum hours for minors under 18 at 10 a day and 60 a week and required the hours of labor to be posted. The act was enforced through the inspector of shops and factories.<sup>5</sup> The 1877 legislature amended this law by a provision that the form for posting hours be furnished by the chief inspector, and that the employer keep open to the inspector records giving the name of each minor employed, date and place of birth, and residence of parents.<sup>6</sup>

In 1888, the minimum requirement for mine work was clarified by stating that that agent shall see this is not violated and the inspector, when doubt exists as to age, must examine the said minor or his parents as to his age. The law did not apply to mines where not more than 10 men were employed at one time.<sup>7</sup>

<sup>6</sup> 1911 C 266

<sup>7</sup> 1917 C 181

<sup>8</sup> 1917 C 206

<sup>1</sup> 1874 p 24

<sup>2</sup> 1875 p 152

<sup>3</sup> 1876 p 219

<sup>4</sup> 1877 p 57

<sup>5</sup> 1885 H B 523 p 161

<sup>6</sup> 1887 S B 393 p 249

<sup>7</sup> 1888 H B 163 p 325

For children between 8 and 14 years of age the compulsory education period was raised to 20 weeks in city district and 16 in country in 1889. Eight weeks of this had to be consecutive unless physical and mental condition prohibited, or the child was taught at home. In case of a child working because of poverty, relief was to be given to such an extent as to permit the required school attendance. Children under 14 were not to be employed during school hours unless they had substantial proof of attendance, or had completed primary and grammar grades and employer had to require such proof. Illiterate minors between 14 and 16 who could not read and write English were required to attend day school for half a day, or evening school, or satisfactory private classes, until they could obtain a certificate from educational authorities stating that they could read and write. The employer was to exact attendance and furnish evidence of it. If a child was discharged from employment to attend school, the parent was required to see that he really did attend unless excused by the school authorities. Enforcement of this act was in the hands of the first and second-class cities truant officers and village constables.<sup>8</sup> The law was re-enacted in 1890.<sup>9</sup> Sixteen was made the minimum age for minors in any occupation considered dangerous to life and limb or health and where morals might be depraved, by the act of 1890. The enforcement was through State inspectors of workshops and factories.<sup>10</sup>

In 1891 the minimum age in factories, workshops, etc., was raised to 14, except that children over 12, laboring for not more than 8 hours a day during the time when they were not required by law to attend school, could be employed in work the inspector did not find detrimental.<sup>11</sup>

The compulsory education provisions were again changed in 1893. Children 8 to 14 could appeal to probate judge in county for excuse if the school authorities would not excuse them. If not excused and not engaged in regular employment, children were required to attend school the full term. Employers were obliged, as formerly, to have proof of attendance open to the inspector.<sup>12</sup>

The minimum age for mines was made 15 in 1898. Record was to be kept of all minors employed and the minor had to furnish proof that he had satisfied all school requirements. The agent was expected to prevent violations, and the inspector, to examine the employer's records.<sup>13</sup> The general minimum age in factories, workshops, mercantile, or other establishments was in this year made 13 during vacations, and 15 for males and 16 for females when schools were in session, housework excepted. Night work between 7 p. m. and 6 a. m. was prohibited for boys under 16 and girls under 18. For all minors under 18, the maximum hours were 10 a day and 55 a week, and the hours had to be posted. The inspector of workshops and factories were charged with enforcing this law.<sup>14</sup>

The minimum age for mines was reduced in 1900 to 14 during vacations, but remained at 15 during the public school term. The agent of the mine was required to keep records of minors showing name, age, place of birth, name, and residence of parents, and had to demand of the minor proof that he had satisfied the requirements of the school laws. The mine inspector, as before, was bound to inspect such records.<sup>15</sup>

In 1902 the minimum age for factories, workshops, mercantile, and other establishments was made 14 years, and a register of all children under 18 was demanded of the employer. The night work and maximum hour provisions remained the same.<sup>16</sup> The compulsory education statute was also amended this year to require all children to attend school not less than 24 weeks unless physical or mental condition prevented, or the child was taught at home. Children not regularly employed were required to attend for the full term. Employers were obliged to keep age and schooling certificate for each child under 14. These certificates were issued by school authorities upon satisfactory proof of age and evidence that the child had

<sup>8</sup> 1889 H B 831 p 333

<sup>9</sup> 1890 No 467 p 143

<sup>10</sup> 1890 H B 368 p 161

<sup>11</sup> 1891 No 251 p 396

<sup>12</sup> 1893 H B 143 p 285

<sup>13</sup> 1898 H B 25 p 164

<sup>14</sup> 1898 H B 34 p 123

<sup>15</sup> 1900 No 166

<sup>16</sup> 1902 No 406

successfully completed the studies of reading, spelling, writing, English, grammar, geography, and arithmetic.<sup>17</sup>

The value of the minimum age restriction was greatly increased in 1904 by the statute passed in this year. Age and schooling certificates for children over 14 and under 16 had to be kept on file in factories, workshops, mercantile, and other establishments, and had to be produced for inspectors. Satisfactory evidence of age had to be furnished the issuing office, such as the school census, birth, or baptismal record, or "in some such manner." In case of doubt of physical fitness for the work the inspector might demand a certificate signed by the medical officer of the board of health. Hours and night work provisions remained unchanged.<sup>18</sup>

For underground work in mines, the minimum age was made 16 for boys in 1908, and women were prohibited altogether. The maximum day was 8 hours except in cases of emergency.<sup>19</sup>

In 1908 the minimum age, hours, and night work provisions were again changed for employment in factories, workshops, business offices, telephone and telegraph offices, restaurants, hotels, apartment houses, mercantile and other establishments. The minimum again remained at 14. For children between the years of 14 and 16, age and schooling certificates were to be required and kept on file in the office, produced for inspection, and returned to superintendent of schools on termination of employment. For boys under 16 and girls under 18 the hour maximum was 8 a day and 48 a week, and night work between 6 p. m. and 7 a. m. was prohibited. The records kept for boys from 14 to 16 and girls from 14 to 18 had to show the name, birthplace, date of birth, and place of residence. A child who appeared to the inspector to be under legal age or who refused to give the inspector his name, age, and place of residence, was required to be brought to the office of the judge of the juvenile or probate court for examination. Certificates of sound health and fitness to perform required work might be demanded by the inspector for girls under 18 and boys under 16, the certificate to be signed by the medical officer of the State board of health. For females in employment compelling constant standing, 16 was the minimum age.<sup>20</sup>

Sixteen was made the minimum age in 1908 for the following occupations: Sewing or assisting in sewing machine belts in a workshop or factory; adjusting a belt to machinery; oiling or assisting in oiling, wiping, or cleaning machinery; operating or assisting on circular or band saws, wood shapers, wood joiners, planers, sand paper or wood polishing machinery, job or cylinder printing presses operated by power other than foot, emery or buffing wheels used for polishing metal, wood turning or boring machinery, stamping machines used in sheet metal and tinware manufacture, stumping machines in washer and nut factories, corrugating rolls such as are used in roofing, steam machinery, or other steam generating apparatus, rolling mill machinery, punches or shears, washing, grinding, or mixing mills, laundry machinery, or passenger or freight elevators; in distilleries, breweries, hotels, theaters, concert halls, drug stores, saloons or places where liquor is sold or manufactured or places where goods are manufactured for immoral purposes; in places where compounds in which dangerous or poisonous acids are used are made; in the manufacture of paints, colors, or white lead, in the manufacture or storing of powder, dynamite, or nitroglycerine compounds, fuses, or other explosives, or in dipping, dying, or packing matches. Enforcement was in hands of the chief inspector of factories who with the consent of governor was to appoint 8 investigators, who were to visit establishments and look into the sanitary conditions.<sup>21</sup>

Night work as messengers for boys under 18 was prohibited in 1910 between 9 p. m. and 6 a. m.<sup>22</sup> In this year an educational certificate was required for all employed children under 16 showing a full attendance the previous school year with the passing of a 5th grade test. Children had to at-

<sup>17</sup> 1902 No 663

<sup>18</sup> 1904 No 58

<sup>19</sup> 1907 No 23

<sup>20</sup> 1908 No 174

<sup>21</sup> 1908 No 714

<sup>22</sup> 1910 S B 179

tend school full time when not employed. Employers were obliged to return the certificate to the issuing office when the child stopped work.<sup>23</sup>

The 1911 legislature provided for a commission to revise, consolidate, and suggest amendments to the laws pertaining to children, and to report in July, 1912.<sup>24</sup> The prohibition against children taking part in public performances as singers and dancers was in 1911 changed to permit them to take part without pay in church or school entertainments.<sup>25</sup>

Where part-time schools were established, a 1913 act provided that attendance for 8 hours a week between 8 a. m. and 6 p. m. might be required of employed children between 15 and 16. Employment of children under 15 was forbidden in all occupations during school hours.<sup>26</sup> For work in factories, stores, offices, and on building construction the minimum age was made 15 for boys and 16 for girls, and the hours for boys 16 to 18 and girls 18 to 21 were 10 a day and 54 a week (8 hours per day being the maximum allowed for boys under 16 and girls under 18). Night work was prohibited between 10 p. m. and 6 a. m. Employment certificates were required for boys under 16 and girls under 18, boys being obliged to pass the 6th grade and girls the 7th grade test. For musical, gymnastic, or immoral exhibitions, the minimum age was made 14 years, while for messenger work the minimum ages were 15 for boys and 21 for girls.<sup>27</sup>

Nineteen hundred and fourteen saw a change in the minimum age and schooling requirements. The minimum age was raised from 14 to 15 for boys and to 16 for girls. Minimum school requirements were raised from 5th to 6th grade for boys and to 7th grade for girls. A juvenile examiner was to be appointed to ascertain the educational attainment of children. Boys under 16 and girls under 18 who had not completed the 6th grade might receive special certificates for vacation work.<sup>28</sup>

A joint resolution was adopted by the 1915 legislature requesting the Ohio members of Congress to secure the speedy enactment of the Palmer-Owen Federal child labor bill.<sup>29</sup>

Hours of labor for females over 18 were reduced in certain designated establishments in 1917 from 10 to 9 a day and from 54 to 50 per week. A prohibition of work for more than 6 days a week was added. Ten hours' work was permitted in mercantile establishments on Saturday. Exemption of canneries from this law was restricted to purely canning seasons.<sup>30</sup> A school census was provided for in an act by the 1917 legislature.<sup>31</sup>

## OKLAHOMA

The first legislature in Oklahoma convened in 1890. At this session a 10-hour day was established for women and children under 18 in factories and workshops. The law was oddly worded. It made it illegal to "compel" any child under 18; or to "permit" any child under 14, to work in such establishments. This terminology would seem to allow in practice a minimum of 14 rather than 18.<sup>32</sup> An 1893 statute repeated these same provisions.<sup>33</sup>

By an act of 1907, no child under 15 was allowed to be employed in any occupation injurious to health or morals or especially hazardous to life or limb.<sup>34</sup> All corporations employing children were required to keep a register of children under 16 years of age, showing the name, birthplace, age, sex, and place of residence. The parent's affidavit of age was a prerequisite for legal employment. Boys under 16 and girls under 18 could not work in factories between 6 p. m. and 6 a. m. The factory inspector could demand certificates of physical fitness for children who appeared to him physically unable to do the work at which they were engaged. If this certificate could not be produced, employment could be prohibited. For operating elevators, a minimum age of 15 was established. Enforce-

<sup>23</sup> 1910 H B 452

<sup>24</sup> 1911 H B 469

<sup>25</sup> 1911 S B 293

<sup>26</sup> 1913 S B 18

<sup>27</sup> Ibid

<sup>28</sup> 1914 S B 19

<sup>29</sup> 1915 S B 21

<sup>30</sup> 1917 p 149

<sup>31</sup> 1917 p 378

<sup>32</sup> 1890 s 2556 p 515

<sup>33</sup> 1893 paragraph 2550

<sup>34</sup> 1907 A 23 s 3

ment of all these provisions lay with the inspector appointed upon recommendation of the commissioner of labor.<sup>4</sup> No women or girls and no boys under 16 were to be employed underground in the operation of mines. The hours, except in emergency, were limited to 8 a day.<sup>5</sup>

It became illegal, in 1909, to employ any child under the age of 14, in any factory, workshop, theater, bowling alley, pool room, etc. The minimum age for dangerous occupations was raised from 15 to 16. The hours of employment for children under 16 were reduced to 8 a day, and 48 a week, with one hour to be allowed for the noon-day meal. Night work between 6 p. m. and 7 a. m. was prohibited for boys under 16 and girls under 18, and girls under the age of 16 were forbidden to engage in the selling of newspapers. Certain dangerous occupations, forbidden under the age of 16, were specifically named: Oiling or assisting in oiling, operating, wiping, or cleaning any dangerous machinery, or adjusting any belt to any such machinery while in motion; operating or assisting in operating circular or band saws, steam boilers, steam machinery, or other steam generating apparatus, rolling-mill machinery, punches or shears, washing, grinding, or mixing mills, passenger or freight elevators; preparing any composition in which dangerous or poisonous acids were used; manufacturing paints, colors, or white lead, where there were acids, dyes, lyes, gasses, glass dust, or other dust or lint in such quantities as to be injurious to health; dipping, dyeing, or packing matches; manufacturing, packing, or storing powder, dynamite, nitroglycerine compounds, fuses, or other explosives; and no females in any capacity demanding constant standing. Concerning evidence of age, if no documentary evidence was available, the parent's affidavit could be accepted, provided the child was in good health, of normal size, and not less than 60 inches in height, and weighing not less than 80 pounds. The issuing officer had to be satisfied that the child was physically able to perform the work which he intended to do, and in doubtful cases, the physical fitness was to be determined by the medical officer of the board of health. Age and schooling certificates were likewise demanded for children under 16, and these had to be kept on file by the employer.<sup>6</sup>

The certificate requirements were changed in 1917. The evidence of age, which was formerly very poor, was made to conform practically with the Federal standard. The child applying for a certificate had to be accompanied by its parent.<sup>7</sup>

## OREGON

It was made illegal in 1903 for any child under 14 to work when public schools were in session. No child under 14 could work at any time in certain occupations—factories, stores, workshops, telegraph, telephone, and messenger service. The hours for children under 16 were 10 a day and 6 days a week, and night work between 6 p. m. and 7 a. m. was prohibited. For legal employment, it was required that minors under 16 be able to read and write English. Employers had to keep a register of all child employees under the age of 16, showing the name, age, date of birth, and residence. A parent's affidavit of age was also required. Certificates of physical fitness could be demanded by inspectors for children who seemed physically unable to perform the labor at which they were engaged, and no child under 16 could be employed without such a certificate.<sup>8</sup> Enforcement was through the board of inspectors of child labor created by this act.

In 1905 the same provisions were re-enacted with few additions. Documentary evidence of age was demanded instead of merely the parent's affidavit. The child-labor inspectors who enforced the provisions as before were required to visit places of employment and report violation to the district attorney and proper school authority. Special vacation permits could be issued to children between 12 and 14 years of age for suitable work in vacations of more than 2 weeks.<sup>9</sup> Children between 8 and 14 years

<sup>4</sup> 1907-8 S B 8 1a A 5 p 507

<sup>5</sup> 1907-8 S B 26 s 8 p 552

<sup>6</sup> 1909 p 629

<sup>7</sup> 1917 C 188

<sup>8</sup> 1903 C 166

<sup>9</sup> 1905 C 206

of age and, if not lawfully employed, between 14 and 16 years of age, had to attend school.<sup>3</sup>

Children under 18 were by an act of 1909 forbidden to operate or have charge of an elevator.<sup>4</sup> Sixteen was the minimum age established for participating in any public entertainment unless by the written permission of the judge of the juvenile court.<sup>5</sup>

The school age was raised in 1911 to "9 to 15"; formerly it was "from 8 to 14" years of age. No work permits were given during the school term to children who had not completed the 8th grade. In cities of less than 100,000 truant officers had to enforce the child-labor law.<sup>6</sup> The minimum age of 16 was established for giving signals to engineers in logging operations. For employment as engineers or having charge of logging engines 18 was the age minimum.<sup>7</sup> The minimum age of 14 was extended to apply to mercantile establishments, business offices, restaurants, bakeries, hotels, and apartment houses. The minimum age for employment as messengers was raised to 16. Messenger work under 18 years of age was forbidden between the hours of 10 p. m. and 5 a. m. No child under 14 could work for wages during the school term. Vacation permits could be granted to children between the ages of 12 and 14 by the board of inspection of child labor. They also were to issue age and schooling certificates.<sup>8</sup>

The law fixing the 10-hour day and 60-hour week for women was amended by exempting women employed in harvesting, packing, curing, canning, or drying perishable fruits, vegetables, or fish. Overtime work in these industries was to be paid for at a rate of time and half for time workers and time and a half regular prices for piece workers. The power of the industrial welfare commission to regulate the hours of employment for women in the exempted occupations was repealed.<sup>9</sup>

According to an industrial welfare commission ruling, an 8-hour day and a 6-day week was established in all occupations, for children under 16. This provision was to be in effect June 12, 1918.

## PENNSYLVANIA 1811

By an act in 1848 it was made illegal for minors under 12 to work in cotton, woolen, or silk mills. Nor could any minor work in these occupations more than 10 hours a day. Children over 14 could work over the specified hours by special contract.<sup>1</sup>

The following year the minimum age in these industries was raised to 13. As by previous enactment, 10 was the maximum number of hours a day. Children between the ages of 13 and 16 were required to attend school for 3 months each year.<sup>2</sup>

The hours for minors under 21 engaged in cotton, woolen, silk, flax, and paper mills, were limited to 60 a week, and not more than 10 hours in any 1 day. Ward, borough, and township constables were charged with the enforcement of this act.<sup>3</sup>

In 1868, it was decreed that 8 hours' labor between the rising and the setting of the sun was to be deemed and held to be a legal day's work, in all cases of labor by the day, where there was no contract or agreement to the contrary. This act did not in any way limit the number of hours of legal employment.<sup>4</sup>

No boy under 12 could be legally employed in mines in the year 1870. Proof of age, documentary or otherwise, was required before a child could enter employment.<sup>5</sup>

Employment in dangerous occupations was regulated by an act in 1879.<sup>6</sup> A minimum age of 15 was established for rope or wire walking, acting as acrobat, gymnast, contortionist, or rider, or in any obscene, illegal, or in-

<sup>3</sup> 1905 C 208

<sup>4</sup> 1909 C 54

<sup>5</sup> 1909 C 129

<sup>6</sup> 1911 C 243

<sup>7</sup> 1911 C 74

<sup>8</sup> 1911 C 138

<sup>9</sup> 1917 C 163

<sup>1</sup> 1848

<sup>2</sup> 1849 P L 672

<sup>3</sup> 1855 P L 472

<sup>4</sup> 1868 P L 90

<sup>5</sup> 1870 P L 6

<sup>6</sup> 1879 P L 142



decent exhibition or vocation, or in any occupation injurious to health or dangerous to life or limb. The minimum age in mines was set at 12.<sup>7</sup> Female waiters were prohibited in specified places, including places of amusement in any city of the first class.<sup>8</sup>

In 1885 separate regulations were made for employment in anthracite and bituminous coal mines. In the anthracite mines no boy under 14 and no woman or girl of any age could be employed. In occupations outside of the mines, or in outside structures of a colliery, the minimum age was lowered to 12 for boys. Both women and boys of suitable age were allowed in offices connected with mines. When an employer was in doubt as to the age of a boy he was required to demand proof from the parent or guardian.<sup>9</sup> In the bituminous mines, no boy under 12 and no woman or girl could be employed. Boys under 10 and women of any age were forbidden in the outside working of the mine or colliery. This did not apply to office work.<sup>10</sup> An average 10-hour day and a 60-hour week was established in mills for minors under 21.<sup>11</sup>

A minimum age of 12 was established in 1887 for employment in factories, mills, and mines.<sup>12</sup> The same minimum age of 12 was re-enacted 2 years later for factories and mercantile establishments. A parent's affidavit of age was required for children under 16, and a register of such children had to be kept by the employer. The hours were limited to 60 a week for minors, except in making repairs, and had to be kept posted. The inspector appointed by the governor enforced these provisions. For cleaning machinery in motion, the minimum age was raised to 16.<sup>13</sup>

In 1891, boys under 14 and women of any age were prohibited in anthracite coal mines. In the outside structure or working of a colliery a boy of 12 could be employed and in clerical work women could be employed. When there was doubt of a boy's age, an affidavit from the parent was required.<sup>14</sup>

No child under 13 could be employed in stores, factories, or laundries, by an act of 1893.<sup>15</sup> The hours for minors in these occupations were limited to 12 a day and 60 a week. The hours were to be posted and lists of employees under 13 were to be kept on file. The factory inspector was charged with the enforcement of this act. No minor under 16 was to be allowed to clean machinery in motion. For operating elevators, a minimum age of 14 was demanded.<sup>16</sup>

In 1897, the minimum age of 13 for employment in factories, stores, laundries, etc., was re-enacted. Employers were required to keep a register of all employees under the age of 16.<sup>17</sup> A parent's affidavit was to be secured before employment was granted, and this affidavit had to be kept on file. An educational requirement was demanded: Ability to read and write English, unless in the year preceding employment the child had attended evening or day school for 16 weeks. A certificate to this effect, signed by the teacher, had to be kept by the employer, and had to be produced, together with the register of affidavits of age, for the inspector. The hours for minors and women were limited to 12 a day and 60 a week, and these hours had to be posted. Provisions were made for seats for women, and for the safeguarding of dangerous machinery. No minor under 16 could clean dangerous machinery while in motion.<sup>18</sup> Special regulations were made for bakeries and confectionery establishments. One could work for but 6 days a week, beginning on Sunday not before 6 p. m., and terminating the following week on Saturday not after 6 p. m. Night work between 9 p. m. and 5 a. m. was prohibited, but an exception was made for setting sponges on Sunday night.<sup>19</sup>

Twenty-one was established as the minimum age in 1899 for operating a steam boiler or steam engine over 10-horsepower, except locomotive

<sup>7</sup> 1879 P L 142

<sup>8</sup> 1879 P L 73

<sup>9</sup> 1885 No 170

<sup>10</sup> 1885 P L 217

<sup>11</sup> 1885 P L 472

<sup>12</sup> 1887 p 287

<sup>13</sup> 1889 No 235

<sup>14</sup> 1891 A 9 p 176

<sup>15</sup> 1893 p 276

<sup>16</sup> 1893 No 83

<sup>17</sup> 1897 No 26

<sup>18</sup> 1897 p 112

boilers used in transportation, and steam engines and steam boilers carrying less than 15 pounds pressure per square inch.<sup>19</sup>

In 1901, it was made illegal for women and minors to be employed in factories, stores, laundries, workshops, and printing offices, for more than 12 hours a day or 60 a week. Thirteen was the minimum age for these occupations. Affidavits of birth had to be kept on file for children between 13 and 16 years of age. Work permits could not be issued to children unable to read and write or to children who had not attended school according to the law. Provisions were made for seats for women and girls. No child under 16 was to clean machinery in motion and no child under 14 was to operate an elevator.<sup>20</sup> In bakeries and pretzel or macaroni establishments, women and minors were prohibited from working more than 12 hours in any 1 day or 60 hours in any 1 week.<sup>21</sup> In theatrical performances no child under 18 could be employed without the consent of parent or legal guardian.<sup>22</sup> School attendance was made compulsory for children between the ages of 8 and 16. This act was not to apply to any child between 13 and 16 who could read and write the English language intelligently and was regularly employed in some useful service.<sup>23</sup>

By an act of 1903, it became illegal for boys under 16 or women of any age to work in any mine, anthracite or bituminous. In the outside structures or workings, boys of 14 could be employed. These restrictions did not apply to office or clerical work about a colliery.<sup>24</sup> The enforcement of the child labor law was facilitated by the appointment by the factory inspector of 37 deputy factory inspectors, 5 of whom were to be women, and 2 assistant clerks.<sup>25</sup>

All establishments other than domestic, coal mines, or, where farm labor was employed were regulated by an act of 1905. The minimum age established was 14. The hours for minors under 16 and females were 12 a day and 60 a week. Night work between 9 p. m. and 6 a. m., was prohibited for minors under 16. Certain exemptions were made to the night work provision. (1) In establishments where night work was permitted, to prevent waste or destruction, boys over 14, who had not worked between 6 a. m. and 9 p. m., could be employed, but for not more than 9 hours. In industries with two or more shifts, boys over 14 could be employed partly by day and partly by night, provided the employment did not exceed 9 hours. (2) Mercantile establishments were exempted on Saturdays, and from December 5th to December 24th, providing that in the days preceding Christmas, the hours did not exceed 10 a day and 60 a week. Sixteen, as previously, was the minimum age for cleaning machinery in motion and operating elevators. Certification provisions were practically the same except that a statement of physical ability to perform intended work was demanded.<sup>26</sup> The minimum age in anthracite mines was raised to 16, children of 14 being allowed in the breakers or collieries around the workings of a mine. Documentary evidence of age as well as the parent's affidavit was required. If there was no documentary evidence, the parent's affidavit had to be accompanied by a teacher's statement that the child had received instruction in reading, spelling, writing, English grammar, geography, and was familiar with the fundamental operations in arithmetic to and including fractions. Truant officers, attendance officers, and the chief of the department of mines, were charged with the enforcement of this act.<sup>27</sup>

In 1909, a child of 14 who could read and write, and was physically qualified, could be employed in factories, stores, etc. The minimum age was raised to 16 for occupation in the manufacture of white lead, red lead, paint, phosphorous, phosphorous matches, poisonous acids, or in the manufacture or stripping of tobacco. This minimum age did not apply if it was proved to the satisfaction of the chief factory inspector that the danger had been removed. In and about blasting furnaces, tanneries, docks, wharves, quarries, in the outside erection and repairs of electric wires, in the running of elevators or hoisting machines, in oiling hazardous and

<sup>19</sup> 1899 P L 49

<sup>20</sup> 1901 No 206

<sup>21</sup> 1901 P L 68

<sup>22</sup> 1901 No 163

<sup>23</sup> 1901 P L 658

<sup>24</sup> 1903 No 266

<sup>25</sup> 1903 No 50

<sup>26</sup> 1905 No 226

<sup>27</sup> 1905 No 222

dangerous machinery in motion, in switch tending, gate tending, track repairing, in employment as brakemen, firemen, engineers, motormen, conductors, pilots, or engineers on boats or vessels, in the manufacture of nitroglycerine, dynamite, gun cotton, gun powder, or other high or dangerous explosives, 18 was the minimum age established. For males under 16 and females under 18 the hours were limited to 10 a day, and night work between 9 p. m. and 6 a. m. was prohibited. An exemption was made in continuous industries. Here males of 14 could work part day and part night, but for not more than 9 hours in 24. Employment certificates had to be kept on file for minors under 16. These were issued by the superintendent or principal, after securing the birth certificate, baptismal certificate, passport, or other official record. If none of these could be obtained, the record of age as given on the school record, or the parent's affidavit could be accepted.<sup>28</sup> In bituminous coal mines, and in anthracite collieries or breakers, the minimum age was 14, and the hours for minors under 16 not more than 10 a day and 58 a week. Night work between 9 p. m. and 6 a. m. was prohibited for minors under 16. Certificates and lists of minors had to be kept by the employer. Evidence of age was to be documentary if possible. Otherwise, a parent's affidavit would suffice.<sup>29</sup> Any person, firm, company, or corporation, having authority over a minor who knowingly takes or sends such minor to any house of prostitution or other immoral place was deemed guilty of a misdemeanor.<sup>30</sup>

It became illegal in 1911 for anyone under the age of 18 to mine or load bituminous coal unless accompanied by an experienced person over 18. An age minimum of 18 was likewise established for furnace men, hookers-on, or cagers.<sup>31</sup> In bituminous mines and anthracite collieries, the noon hour was reduced from 45 to 30 minutes.<sup>32</sup> The minimum age of 16 in mines and 14 in breakers and outside workings was extended to apply to all mines, instead of as formerly to anthracite mines.<sup>33</sup> The prohibition of children under 18 in employment in tanneries was removed.<sup>34</sup> Children leaving school before they had reached the age of 16 had to have a schooling certificate before they could enter employment.<sup>35</sup>

Employment in quarries was forbidden under the age of 18, in 1913.<sup>36</sup> Night work in any establishment was prohibited between 9 p. m. and 6 a. m. for women under 21. An exemption was made for minors over 18 employed as telephone operators.<sup>37</sup>

By an act of 1915, it was made illegal for a child under 14 years of age to be employed in any occupation. For legal employment between 14 and 16, part-time school attendance—not less than 8 hours a week—was required. This attendance was not to be on Saturday nor before 8 a. m. nor after 5 p. m. No person under 16 could work more than 5½ (sic) hours in any 1 week, nor more than 9 hours in any 1 day, nor before 6 a. m., nor after 8 p. m. The hours in school were to be considered as part of the working day. This act did not apply to children on farms or in domestic service.<sup>38</sup> Certain minimum ages were established for dangerous occupations; 16, for working around machinery, scaffolding, mines, etc.; 18, for switch tending, or working as an engineer, chauffeur, etc.; 21, for employment as messenger between 8 p. m. and 6 a. m., or in saloons.<sup>39</sup> The requirements for general work permits were: (1) Written statement of the employer's intention to employ, together with a description of the work, the number of hours, etc.; (2) school record showing completion of the 6th grade, name, and date of birth, residence, name, and address of parent; (3) certificate of physical fitness; (4) proof of age, consisting of birth certificate, baptismal certificate, passport, other documentary evidence, or a physician's certificate. Vacation certificates required a similar statement from the employer, certificate of physical fitness, and evidence of age. These certificates entitled a child to work only on days when school was not in session. The State superintendent of public in-

<sup>28</sup> 1909 No 182

<sup>29</sup> 1909 No 210

<sup>30</sup> 1909 No 33

<sup>31</sup> 1911 No 319

<sup>32</sup> 1911 No 195

<sup>33</sup> 1911 No 792

<sup>34</sup> 1911 No 320

<sup>35</sup> 1911 No 191

<sup>36</sup> 1913 No 412

<sup>37</sup> 1913 No 466

<sup>38</sup> 1915 No 177

<sup>39</sup> Ibid

struction or a specially appointed attendance officer enforced the provisions of this act.<sup>40</sup> Lists of employees under 16 had to be conspicuously posted.<sup>41</sup> Certain minimum ages were established for the street trades:<sup>42</sup> Twelve for boys and 21 for girls selling newspapers; 14 for boys and 21 for girls acting as bootblacks; 16 for boys in any street occupation between 8 p. m. and 6 a. m.

A 1917 act gave the industrial board of the department of labor and industry power to modify the provisions regulating the hours of labor and conditions of employment for women, whenever in the opinion of the majority of its members, such modification would be justified, and would not result in the injury of the public health and welfare or of the health and welfare of the women sought to be affected by such modifications.<sup>43</sup>

## RHODE ISLAND

In 1840, school attendance for 3 months of the year was made compulsory for children under 12. Twelve was made the minimum age in 1853 for employment in factories. Children between 12 and 15 could not be employed more than 11 hours a day nor between the hours of 7.30 p. m. and 5 a. m. An exemption to the night work provision was made in the case of packers.<sup>1</sup> The truancy law of that year required that children either attend school or be legally employed.

The following year, it became illegal to employ children under 15 in manufacturing establishments, unless they had attended school 3 months out of the 12 preceding their employment. No child under 15 could be employed for more than 9 months a year.<sup>2</sup>

In 1882, the minimum age of 16 was established for rope or wire walking, begging, and other occupations considered injurious to health or morals. The town sergeant or chief of police could enter any place where children were employed in violation of this act.<sup>3</sup>

The compulsory education law of 1883 demanded that children between 7 and 15 years of age attend school at least 12 weeks annually, unless they attended private school or were otherwise furnished with the means of education, had already acquired the branches taught in public schools, or were physically or mentally incapable of studying. A minimum age of 10 was established in manufacturing and mercantile establishments. Children under 14 could not be employed except in vacation time unless they had attended school for the period required by law. Certificates of such attendance were a prerequisite for employment. These certificates had to be kept on file by the employer and were issued by the school board.<sup>4</sup>

The hours for minors under 16 and women were limited in 1885 to 10 a day and 60 a week, except when necessary to make repairs, or when a longer day compensated for one shorter day. The hours had to be posted. Certificates of age, made at the time of employment, were to be sufficient evidence upon trial of any person other than the parent or guardian for violation of this act.<sup>5</sup>

In 1887, it was made illegal for any minor under 10 to be employed in factories, stores, telegraph, or telephone offices, during the time when public schools were in session. Children between 10 and 15 could not be employed except in vacations, unless in the 12 months preceding employment they had attended school for 12 weeks. This educational requirement could be dispensed with if the child had already acquired the branches of learning taught in public schools.<sup>6</sup>

Children between the ages of 7 and 15 were required in 1893 to attend school for 80 full days, and when not employed to attend school regularly for the entire session. The exemptions recognized to this requirement were: Private or other substitute schooling; the acquisition of the ordinary branches of learning; physical or mental incapacity; poverty; the ex-

<sup>40</sup> 1915 No 177

<sup>41</sup> Ibid

<sup>42</sup> Ibid

<sup>43</sup> 1917 No 254

<sup>1</sup> 1872 Gen Stat C 155

<sup>2</sup> Ibid

<sup>3</sup> 1882 C 97

<sup>4</sup> 1883 C 363

<sup>5</sup> 1885 C 519

<sup>6</sup> 1887 C 649

cuse of the school committee for other good reasons. The certification provisions were not changed.<sup>7</sup>

The following year the minimum age of 18 was established for operating elevators. The inspector of buildings was charged with the enforcement of this provision.<sup>8</sup> For employment in factories and stores, the minimum age was raised to 12, and for cleaning machinery in motion, the minimum age of 16 was established. The enforcement provisions were not changed.<sup>9</sup> In 1896, the minimum age of 12 in stores and factories was re-enacted.<sup>10</sup>

The dangerous occupations law of 1897 retained the minimum age of 16 as previously enacted. The list of prohibited occupations was enlarged, but employment under the minimum age was allowed in theaters with the consent of the mayor or town councilor.<sup>11</sup>

The hours for women and minors under 16 in factories was limited to 10 a day and 58 a week in 1902. The same exemptions—to make repairs or to give one shorter day—were recognized. Provisions for certification and for the posting of hours were not changed.<sup>12</sup> The minimum age for operating elevators was 18 as previously established in 1894.<sup>13</sup>

The compulsory school law required that children between 7 and 15 years of age attend school regularly unless they had completed the first 8 grades or unless they were 14 years of age and lawfully employed. Exemptions were also made if private instructions were substituted, or if mental or physical condition rendered attendance impracticable. Truant officers were to visit places of employment and demand a report at least twice a year with the names of all children under 16 employed and their employment certificate.<sup>14</sup>

The minimum age for employment in factories and business establishments was raised in 1905 to 14. Night work between 8 p. m. and 6 a. m. was prohibited for children under 16, except in stores on Saturdays, or on the 4 days preceding Christmas. The only change in the certification provisions demanded that the certificate be returned to the issuing officer.<sup>15</sup> In 1907, it was specifically stated that the act of 1905 applied to any business employing 5 or more persons, but did not apply to domestic service, agriculture, or rope and wire walking, etc.<sup>16</sup>

Provisions for a 10-hour day and 56-hour week in factories for children under 16, was re-enacted in 1909.<sup>17</sup> The night work exemption permitting children under 16 to work in stores on Saturday evenings and on the 4 evenings preceding Christmas was repealed in 1910.<sup>18</sup> In 1911, it was stated that the 1910 act requiring children to be able to read and write English before entering employment did not apply to those holding certificates before January 1st, 1911.<sup>19</sup>

The prohibition of night work between 10 p. m. and 5 a. m. was extended in 1912 to cover messengers under 21 years of age.<sup>20</sup> The hours for minors under 16 in stores and factories were reduced in 1913 from 56 to 54 a week.<sup>21</sup> Physical examinations were required of children seeking work permits.<sup>22</sup>

In 1915, the law regulating hours in stores and factories was changed to read a maximum of 10 hours in any "period of 24 consecutive hours" instead of any "1 day."<sup>23</sup> The physical examination required for a work permit had to be made by either of the two physicians appointed by the commissioner of public schools for a period of three years.<sup>24</sup> In cities of 70,000 or over, no boy under 12 and no girl under 16 was allowed in the street trades. Boys under 16 had to wear a badge signifying that they had attended school and were of normal physical development. The permit issued with the badge had to give a description of the boy, the date and place of his birth, the name and address of his parents. Boys under 16

<sup>7</sup> 1893 C 1213

<sup>8</sup> 1894 C 1271

<sup>9</sup> 1894 C 1278

<sup>10</sup> 1896 C 68

<sup>11</sup> 1897 P L 475

<sup>12</sup> 1902 P L 994

<sup>13</sup> 1902 C 973

<sup>14</sup> 1902 P L 1009 p 87

<sup>15</sup> 1905 P L 1215 p 148

<sup>16</sup> 1907 C 1458

<sup>17</sup> 1909 C 384

<sup>18</sup> 1910 C 533

<sup>19</sup> 1911 C 653

<sup>20</sup> 1912 No 405

<sup>21</sup> 1913 C 913

<sup>22</sup> 1913 C 956

<sup>23</sup> 1915 C 1218

<sup>24</sup> 1915 C 1253

could not work between 9 p. m. and 5 a. m., nor during hours when school was in session unless they were in possession of an employment certificate.<sup>25</sup>

A new child-labor law was enacted in 1916. The main changes were as follows: The child's employment certificate was to be kept on file at the issuing office until the office received a written statement from the employer agreeing to employ the child lawfully and to return the certificate to the issuing office within 5 days of the termination of the child's employment; the certificate was to be delivered to the employer and in no case to the child. Formerly the certificate was given by the issuing officer to the child and, if he so demanded, was returned to the child at the termination of employment.<sup>26</sup>

In 1917, the age of compulsory school attendance was raised from 15 to 16.<sup>27</sup> Provisions were made for seats for girls and other health measures.<sup>28</sup>

## SOUTH CAROLINA

By an act of 1903, the minimum age in factories, mines, and textile manufacturing establishments, was set at 10, to take effect May 1, 1903; 11, to take effect May 1, 1904; and 12, to take effect May 1, 1905. After May 1, 1903, children under 12 were forbidden to work between 8 p. m. and 6 a. m. In cases of breakdown, children could be employed after hours to make up for lost time, but even then, employment could not be continued after 9 p. m. Exemptions to the age provision could be made in the case of children of widowed mothers, disabled parents, or orphans who could furnish the employer an affidavit of necessity. An affidavit of age was required of the parents of employed children under 12 years of age. Summer employment in June, July, and August, could be obtained by parents for their children in textile mills, if they furnished certificates showing that the children had attended school for 4 months during the current school year, and could read and write.<sup>1</sup>

Dangerous occupations were regulated in 1909. The age minimum of 14 was established for cleaning gears or pulleys, or working in dangerous proximity thereto while they were in motion by the aid of steam, water, electricity, or other mechanical power.<sup>2</sup>

The 1911 law retained the minimum age of 12 in factories and mines, and recognized, as previously, the poverty and vacation exemptions. Night work was prohibited between 8 p. m. and 6 a. m. for children under 16, formerly under 12. On exceptional occasions, work after 9 p. m. was allowed. The parent's affidavit of age was required in duplicate for children under 14, 1 to be sent to the commissioner of agriculture who was to issue the permit and prescribe forms and regulations.<sup>3</sup>

In 1912, night work as messengers was forbidden between the hours of 10 p. m. and 5 a. m. for minors under 18. The minimum age for such occupations in cities of 5,000 or over was 14 years. The commissioner of agriculture, commerce, and industries, had the right to enter places of employment, enforce the provisions, and institute prosecutions.<sup>4</sup>

In 1916, the work of any employee, whether minor or adult, of an inter-urban railway operating 40 miles or less, was limited to 10 hours a day. Exemption was made in case of accident or unavoidable delay.<sup>5</sup> In factories, mines, and textile establishments the minimum age was raised from 12 to 14.<sup>6</sup>

In 1917 employment permits were required for children from 14 to 16 years of age, instead of, as formerly, between 12 and 14 years of age.<sup>7</sup>

## SOUTH DAKOTA

The first provision in South Dakota applied to both North and South

<sup>25</sup> 1915 C 1264

<sup>26</sup> 1916 C 1358 and C 1378

<sup>27</sup> 1917 C 1492

<sup>28</sup> 1917 C 1522

<sup>1</sup> 1903 A 74 p 113

<sup>2</sup> 1909 A 4 s 13

<sup>3</sup> 1911 C 18

<sup>4</sup> 1912 A 405

<sup>5</sup> 1916 A 544

<sup>6</sup> 1916 A 361

<sup>7</sup> 1917 A 95

Dakota, being an act of 1877 passed by the legislature of "Dakota Territory." Children under 14 were not to be "permitted" and children under 18 and women were not to be "compelled" to work longer than 10 hours in any one day in factories or workshops.<sup>1</sup>

By the time of the next legislation, 1890, the Dakotas were separate. In that year, the minimum age of 14 was established for employment in mines.<sup>2</sup> The following year a rather extensive child-labor law was passed covering mines, factories, workshops, and stores.<sup>3</sup> No child between the ages of 8 and 14 could be employed during hours when the public schools were in session, unless the employer had received a certificate from the superintendent of schools or the clerk of the school board that the child had attended school for 12 weeks during the current year, or had been excused from such attendance. Children could be excused if they had attended private school, or had already acquired the ordinary branches of learning, or were physically or mentally incapacitated. This act did not apply to the employment of children by their own parents.

In 1897, 21 was established as the minimum age for a bartending or other employment connected with a place where intoxicating liquors were sold.<sup>4</sup> The employment of children in dangerous occupations was regulated in 1903.<sup>5</sup> It was made illegal for a child under 14 years of age to act as mendicant, peddler, actor, performer, or singer on the streets, in concert halls, or in places where liquor was sold, or in variety theaters, or in any occupation whatsoever injurious to health or morals, or dangerous to life or limb.

In 1907, the list of occupations in which the employment of children was regulated was extended to cover hotels, laundries, elevators, bowling alleys, and employment as drivers and messengers. The minimum age for employment in any of these occupations during the hours when the public schools were in session was raised from 14 to 15.<sup>6</sup>

The minimum age was reduced again in 1913 to 14 in factories, stores, workshops, and mines. Vacations were exempt from this regulation. For dangerous occupations, the minimum age was 16. For minors under 16, the hours were limited to 10 a day and 60 a week except in domestic and farm labor. An exemption was likewise made for Saturday evenings when children over 14 could work until 10 p. m.<sup>7</sup>

In 1917, the compulsory school attendance law was reworded, but the main provisions were not changed.<sup>8</sup> The passage of the prohibition law naturally repealed all laws regulating the employment of children in places where intoxicating liquors were sold.<sup>9</sup>

A special session in 1918 amended the compulsory school attendance law so as to require that all subjects be taught in the English language, and also to require that private schools be approved by the local public school authorities.<sup>10</sup> These acts show the influence of the war on legislation.

## TENNESSEE

A minimum age of 12 was established in 1893 for employment in factories, workshops, mines, and mills.<sup>1</sup> Several years later, in 1901, this minimum was raised to 14.<sup>2</sup> In 1907 provisions were made for regulating the hours of employment in factories. The limitation of hours was made a gradual process. All children under 16 and all women were forbidden to work more than 62 hours a week commencing January 1, 1908; more than 61 hours a week, commencing January 1, 1909; and more than 60 hours a week, commencing January 1, 1910.<sup>3</sup>

In 1911 the minimum age of 14 was extended to include laundries, telephone and telegraph offices, and messenger service. The age minimum was raised to 16 for certain hazardous occupations, including work on dangerous machinery, match manufacture, and employment in mines or quarries. Children under 14 could not be employed in any work which interfered with

<sup>1</sup> 1877 s 739

<sup>2</sup> 1890 C 112

<sup>3</sup> 1891 C 7

<sup>4</sup> 1897 C 72

<sup>5</sup> 1903 C 88

<sup>6</sup> 1907 C 135

<sup>7</sup> 1913 C 240

<sup>8</sup> 1917 C 213

<sup>9</sup> 1917 C 281

<sup>10</sup> 1918 special session C 41

<sup>1</sup> 1893 C 159

<sup>2</sup> 1901 C 34

<sup>3</sup> 1907 C 308

their school attendance except domestic service or agriculture. Messenger service between the hours of 10 p. m. and 5 a. m. was prohibited under the age of 18. A parent's affidavit of age had to be filed by the employer for children between the ages of 14 and 16.<sup>4</sup>

A 1913 act limited the hours for minors to 60 a week; commencing January 1, 1914, they were to be 58 a week; and after January 1, 1915, they were to be 57 a week. Ten and a half hours a day was permitted only when it compensated for one shorter work day.<sup>5</sup> Children from 14 to 16 years of age, who were not regularly and lawfully employed, had to attend school. Temporary exemptions could be made for poverty, but such cases had to be reported for relief.<sup>6</sup> Agriculture and domestic service were at last regulated. The minimum age of 14 was established for these occupations during school hours, and night work between 6 p. m. and 6 a. m. was prohibited for children under 16.<sup>7</sup>

The law regulating the hours for women and children was amended in 1915 by providing that the terms "workshop and factory" should include manufacturing, mechanical, electrical, mercantile, art, and laundering establishments, mills, printing, te'graph, and telephone offices, department stores, or any establishment where labor was employed, or machinery used, except domestic service and agriculture. The weekly hours were not to exceed 57, instead of 58.<sup>8</sup> The act limiting the hours of women and children did not apply to canning factories, except in so far as they were affected by provisions making it unlawful (1) to employ a child under 14 in any work which interfered with its school attendance, (2) to employ a child under 16 in a list of occupations bringing them in contact with dangerous machinery.<sup>9</sup>

In 1917 canneries were added to the list of regulated occupations, and the exemption to canneries was repealed. Children under 16 were not to work in the regulated occupations more than 8 hours per day, 6 days per week, nor between 7 p. m. and 6 a. m. Formerly, night work was prohibited between 6 p. m. and 6 a. m., and the hours of children under 16 were regulated by a 10½-hour day and 57-hour week, law applying to women and to children under 16. The proof of age was made to conform practically with that required in the Federal Rules and Regulations. Formerly, merely a parent's affidavit was accepted. The child had to be accompanied by its parent or guardian when it applied for a certificate, and the certificate had to contain a personal description of the child.<sup>10</sup> A new provision forbade employment agencies to send girls to places of bad repute.<sup>11</sup>

## TEXAS

It became illegal in 1903 to employ children under 12 in mills, factories, or manufacturing establishments. In mines, quarries, and breweries the minimum age was 16. As an educational requirement for employment, children between the ages of 12 and 14 had to be able to read and write simple sentences in English. A child of a widowed mother or incapacitated father was exempted from this provision. Night work between 6 p. m. and 6 a. m. was prohibited to all children.<sup>1</sup>

The office of the commissioner of labor statistics was created in 1909 to study and present a report on the conditions of labor for women and children, recommending provisions for their health and welfare.<sup>2</sup>

The minimum age of 15 was established in 1911 for employment in places where dangerous machinery was used, or about machinery in any factory. Previously the age was 12. Fifteen remained as before the minimum for working in distilleries and breweries. The age was raised from 16 to 17 for mines and quarries.<sup>3</sup> This act likewise repealed that section of 1903 which permitted children from 12 to 14 years of age who could not read or write to work if they were the children of widows or incapacitated fathers.<sup>4</sup>

<sup>4</sup> 1911 C 57

<sup>5</sup> 1913 C 12

<sup>6</sup> 1913 C 9

<sup>7</sup> 1913 C 47

<sup>8</sup> 1915 C 144

<sup>9</sup> 1915 C 172

<sup>10</sup> 1917 C 77

<sup>11</sup> 1917 C 78

<sup>1</sup> 1903 C 28

<sup>2</sup> 1909 C 24

<sup>3</sup> 1911 C 46

<sup>4</sup> 1903 C 38



In 1915 no child under 14 not lawfully excused from school could be employed during school hours.<sup>5</sup> The rather primitive child-labor law of Texas was considerably amended in 1917.<sup>6</sup> Formerly the only labor laws affecting children, aside from the hours for women law, were a minimum age of 15 in factories and other establishments using dangerous machinery, or in certain occupations dangerous to morals, and a minimum age of 17 in mines and quarries. The 1917 law fixed a minimum age of 15 in any factory, mill, workshop, laundry, theater, or other place of amusement, or in messenger service in places of 15,000 or more inhabitants, and the minimum age of 17 was extended to distilleries, breweries, and certain other occupations dangerous to life, limb, or morals. A 10-hour day and 48-hour week for children under 15 was established. Farm work was exempted, but it was not clear whether domestic service was likewise exempted or not. A poverty permit could be issued by the county judge to a child over 12, but not for "any mill, factory, workshop, or other place where dangerous machinery is used," nor in the occupations prohibited to children under 17, nor where the moral or physical condition was likely to be injured. To obtain this permit, the child had to be able to read and write English, and be physically able to perform the work intended. Every six months the permit had to be renewed. This act was not to prevent the employment of children of any age from June 1 to September 1, except that they could not work in the occupations listed above. This left laundry and messenger service open to children under 15 in vacation time. Nothing in the act was to be construed as prohibiting employment in domestic service.

## UTAH

In 1889, no child under 12 was allowed to work in coal mines in territories in the United States.<sup>1</sup> This applied to Utah, as it was at that time a territory. In 1896, when Utah was a separate State, the minimum age in mines and smelters was raised to 14 for boys, and all women and girls were prohibited in such occupations.<sup>2</sup>

Saloons and breweries were regulated in 1911. It became illegal to employ persons under 21 in such places.<sup>3</sup> Fourteen was the minimum age set for specified dangerous occupations including theaters. Girls under 21 could not be sent to immoral resorts. Boys under 12 and girls under 16 were not allowed to sell papers or merchandise in cities of the first, second, or third class. The minimum age for bootblacks was 12. Boys under 14 and girls under 16 could not work more than 54 hours a week, except in domestic labor, canning, and agriculture. Messenger service between 9 p. m. and 5 a. m. was prohibited for minors under 21. Boys in street trades could not work after 9 p. m. Employment certificates were required for children under 14. They were issued by the superintendent of schools, required no proof of age, but did require a school record showing attendance of 100 days in the year preceding employment, and ability to read and write English. Employers could be required, however, to furnish inspector with proof that the child was over 14.<sup>4</sup>

Cigar stores and pool rooms were added in 1915 to the list of occupations already prohibiting employment of children under 14.<sup>5</sup> The minimum age in specified dangerous occupation, including mines and quarries, was raised in 1917 from 14 to 16. There was practically no change in the application of the act.<sup>6</sup> An 8-hour day and a 48-hour week for boys under 14 and girls under 15 was substituted for the 54-hour week previously established.<sup>7</sup> The industrial commission was created. The duties of the commissioner of immigration, labor, and statistics, mine inspectors, etc., were transferred to this commission.<sup>8</sup> The prohibition act repealed all sections relating to the employment of children in the sale, etc., of intoxicating liquors.<sup>9</sup>

<sup>5</sup> 1915 C 49

<sup>6</sup> 1917 C 59

<sup>1</sup> 1889-91 U S Statutes at Large C 564

<sup>2</sup> 1896 C 28

<sup>3</sup> 1911 C 106

<sup>4</sup> 1911 C 144

<sup>5</sup> 1915 C 61

<sup>6</sup> 1917 C 80

<sup>7</sup> Ibid

<sup>8</sup> 1917 C 100

<sup>9</sup> 1917 C 2

## VERMONT

The first act regulating the employment of minors in factories was passed in 1837.<sup>1</sup> This law set no rigid standards or restrictions. The selectmen and overseers of the poor were to admonish the parents of children employed at "unreasonable hours and times," and if necessary, were to find out such children. If a child thus employed were not a servant or apprentice, or if he had no parent or guardian residing in the State, the overseer could discharge him from employment. The selectmen and overseers were likewise to see that the education of children was not unnecessarily neglected.

In 1867 the definite minimum age of 10 was established for employment in factories, and the hours were limited to 10 a day for children under 15.<sup>2</sup> The compulsory school law of that year demanded that children between the years of 8 and 14 attend school at least 3 months a year. Exemptions were made if the child had already acquired the ordinary branches taught in the public schools, or was otherwise furnished with the required education. This compulsory attendance was made an educational requirement for children under 14 who had resided in the State a year.<sup>3</sup>

The amount of compulsory attendance was raised in 1888 from 3 months to 20 weeks. The school age remained the same, but the educational requirement for legal employment was changed to correspond with the length of the compulsory term of attendance. A certificate of attendance signed by the teacher was required to be filed with the employer. Enforcement was through the supervisor of schools, who could inspect mills and factories and require certificates. An odd provision made it illegal for any person, after July 1, 1899, to employ a child under 14 during the school session who could not read or write, but who was capable of receiving instruction.<sup>4</sup> The same educational requirements were re-enacted in 1892, but the provision as to living in the State one year was repealed.<sup>5</sup>

The term of compulsory school attendance was lengthened in 1894 from 20 to 26 weeks, and the age affected was extended to 15. The same exemptions held. The educational requirements were made to correspond with the compulsory attendance provision.<sup>6</sup> By an act of 1902 it became illegal to employ a minor under 21 or female in any place where liquors were sold.<sup>7</sup>

The term of compulsory schooling was raised in 1904 from 26 to 28 weeks. The ages affected were the same and the educational requirement changed to comply with the new compulsory term of attendance.<sup>8</sup> The minimum age of 12 was established in mills, factories, and workshops.<sup>9</sup> In 1906 the minimum age of 12 was extended to cover railroading, mining, manufacturing, and quarrying. Children under 16 who had not completed the study of 9 years had to have employment certificates before they could be employed. It became illegal to employ children under 16 after 8 p. m. The town superintendent was charged with the enforcement of these provisions.<sup>10</sup> The 1908 child-labor law<sup>11</sup> contained no new provisions.

In 1911 the only changes were the establishment of 14 as the minimum age on railroads, 16 in certain dangerous occupations, and 18 for girls in positions demanding constant standing.<sup>12</sup> The hours for children under 16 in factories, hotels, mines, quarries, etc., were limited to 9 a day and 50 a week in 1913. Night work between 8 p. m. and 7 a. m. was prohibited. The minimum age in mills, factories, quarries, workshops, etc., was raised to 14. Formerly it was 12 in factories and quarries, and 14 on railroads. Children under 16 could not be employed in any service during school hours unless they had completed the elementary school course.<sup>13</sup> The hours in factories for children under 18 were 11 a day and 58 a week.<sup>14</sup>

The act providing seats for girls in manufacturing establishments, stores, and shops was re-enacted in 1915.<sup>15</sup> In 1917 canneries were added to the

<sup>1</sup> 1837 Pub Stat 1906 s 3247

<sup>2</sup> 1857 No 36

<sup>3</sup> 1867 No 35

<sup>4</sup> 1888 C 8

<sup>5</sup> 1892 No 22

<sup>6</sup> 1894 No 26

<sup>7</sup> 1902 No 90

<sup>8</sup> 1904 No 39

<sup>9</sup> 1904 C 155

<sup>10</sup> 1903 C 52

<sup>11</sup> 1908 No 44

<sup>12</sup> 1911 No 70

<sup>13</sup> 1913 No 75

<sup>14</sup> 1913 No 85

<sup>15</sup> 1915 No 209

list of occupations in which children under 14 could not be employed. The minimum age for employment in quarries was raised from 14 to 16, and the minimum age of 16 was fixed for mines. Heretofore, mines came under the same regulations as factories. The commissioner of industries, instead of the local school officials, was charged with the enforcement of the minimum age law. Formerly, the State factory inspector could inspect and enforce the child-labor law "whenever he found a violation," but the town or union superintendent of schools issued certificates and was given the duty of enforcement also. An 8-hour day, a 6-day week, and a night-work prohibition between 7 p. m. and 6 a. m. were substituted for the 9-hour day, the 50-hour week, and the prohibition of night work between 8 p. m. and 7 a. m. These hour provisions applied to children under 16. The commissioner of industries was to prescribe rules for evidence of age to be required for certificates—the rules to comply with the regulations for the Federal law.<sup>16</sup> The educational requirement for certificates was added to by permitting, as an alternative to the completion of the "elementary school course," the completion of the rural school course and 2 years in a junior high school. This, however, was no real change, as the two are equivalent.<sup>17</sup> The law fixing the 11-hour day and 58-hour week for minors and women in factories was changed as follows: (1) The provision was extended to mines and quarries; (2) children from 16 to 18 were specified, instead of "under 18;" (3) a 10½-hour day and 56-hour week was substituted for the 11-hour day and 58-hour week.<sup>18</sup> The changes in the enforcement provisions were not important.<sup>19</sup> The powers and duties of the State factory inspector were transferred to the commissioner of industries. The commissioner of industries was to enforce the woman and child-labor laws.<sup>20</sup> An influence of the war could be seen in the passage of the act permitting the commissioner of industries, with the approval of the governor, to suspend the operation of laws relating to the hours of employment of women and children while the United States was at war.<sup>21</sup>

## VIRGINIA

The first provision in Virginia limited the hours of children under 14 employed in factories to 10 a day.<sup>1</sup> The dangerous occupations were regulated in 1885.<sup>2</sup> For rope or wire walking, begging, peddling, acting as gymnast, contortionist, rider, or acrobat, or in any indecent, immoral, or obscene exhibition, or in any business injurious to health or morals, or dangerous to life or limb, the minimum age was 14.

Night work in factories and mines, between the hours of 6 p. m. and 7 a. m. was prohibited for children under 14, by an act of 1902.<sup>3</sup> No child under 12 could work in mines or factories at any hour. In 1908 a law was passed which made it illegal to employ after 1909 any child under 13 in factories, stores, workshops, or mines. After 1910 the minimum age was to be 14. Orphans of 12 years and children of invalids, if they received a work permit from the mayor or justice of the peace, could be exempted. Exceptions were likewise made for fruit and vegetable canneries, and stores in towns of less than 2,000.<sup>4</sup> A penalty was named in 1910 for sending minors under 17 to immoral resorts.<sup>5</sup>

By an act of 1912, 10 hours was considered a maximum working day in stores and workshops employing children under 14. Establishments engaged exclusively in packing fruits and vegetables were exempt from July 1 to November 1. Exemptions were likewise made for stores on Saturday nights.<sup>6</sup> No boy under 14 and no woman of any age could be employed in coal mines.<sup>7</sup>

A 1914 act made it illegal for a child under the age of 14 to be employed in the distribution, transmission, or sale of merchandise during school

<sup>16</sup> 1917 No 177

<sup>17</sup> Ibid

<sup>18</sup> Ibid

<sup>19</sup> 1917 No 62

<sup>20</sup> 1917 No 171

<sup>21</sup> 1917 No 172

<sup>1</sup> 1889-90 C 193

<sup>2</sup> 1895 6 C 44

<sup>3</sup> 1902-3 C 156

<sup>4</sup> 1908 C 301

<sup>5</sup> 1910 C 347

<sup>6</sup> 1912 C 248

<sup>7</sup> 1912 C 178

hours, or after 7 p. m.<sup>8</sup> For selling papers in the streets or public places in cities of 5,000 or more population, a minimum age of 10 was demanded for boys, and 16 for girls.<sup>9</sup> For messenger service, the minimum age of 14 was fixed, and employment between 10 p. m. and 5 a. m. was prohibited for children under the age of 18.<sup>10</sup> Employment in laundries, bakeries, brick and lumber yards were added to the list of occupations prohibiting employment under the age of 14. Children under 16 could not be employed more than 10 hours a day or 6 days a week, nor between 9 p. m. and 7 a. m., in the occupations listed. Exemptions were made for: (1) Children working in factories owned or operated by the parents; (2) factories engaged exclusively in packing fruits or vegetables between July 1 and November 1; (3) mercantile establishments in towns of less than 2,000 inhabitants, or in country districts.<sup>11</sup> The employment certificate provisions were as previously enacted. Children under 16 could be employed only on presentation of a certificate issued by a notary public and containing proof of age.<sup>12</sup>

The prohibition law, which was passed in 1916, made unnecessary the laws prohibiting the employment of minors in saloons.<sup>13</sup> A penalty was fixed in 1916 for sending minors to places of bad repute.<sup>14</sup>

A new child-labor law was passed by the 1918 session of the legislature.<sup>15</sup> The minimum age of 14 was extended to cover canneries, theaters, and places of amusement. The prohibition of minors in the "distribution, transmission, or sale of merchandise" was omitted. Sixteen was fixed as the age minimum in mines and quarries. The earlier law applied only to minors under 14 and females in coal mines. The hour provision remained the same, but the night work prohibition became 7 p. m. to 6 a. m., instead of 9 p. m. to 7 a. m. The evidence of age demanded for certificates was made to conform practically to that required by the Federal law. The age at which girls could be employed as messengers in cities of 5,000 or over was raised from 14 to 18, and the age below which they could not be employed between 10 p. m. and 5 a. m. was raised from 18 to 21. The following exemptions to the child-labor law were eliminated: (1) Packing of fruits and vegetables between July and November; (2) "release" by court for "good cause" the limitation of hours of females and children under 14 to 10 a day in factories and stores was amended by permitting the commissioner of labor to exempt women in tobacco prizeries in towns and cities of less than 30,000, or in emergencies, if over-time labor were voluntary and paid for at a rate of time and one-half. This exemption extended only to February 1, 1920.<sup>16</sup> The compulsory school law of that year<sup>17</sup> required that children between the ages of 8 and 12 attend school for at least 16 weeks. Two weeks' attendance at half time, or night school, would be considered equivalent to one week's attendance at day school. The following exemptions were made to this attendance law: (1) If the child was able to read and write; (2) if the child was excused "for cause" by the district school trustees; (3) if the home was 2 or more miles from the school, or 1 mile or more from a public free wagon route; (4) if the child was weak in body or mind. The previous compulsory attendance law had practically the same provisions, except that it required only 12 weeks instead of 16, and its provisions were optional with the town, city, county, or district. An amendment was proposed in 1918 giving the general assembly power to provide for the compulsory education of "children of school age" instead of merely children between 8 and 12 years of age, exempting those who were weak in body or mind, or who could read and write, or who were attending private school, or who were excused for cause by the district school trustees.<sup>18</sup>

## WASHINGTON

Persons under 15 and all females were forbidden to work in coal mines in 1888. Eighteen was the minimum age fixed for having charge of an

<sup>8</sup> 1914 C 339

<sup>9</sup> Ibid

<sup>10</sup> Ibid

<sup>11</sup> Ibid

<sup>12</sup> Ibid

<sup>13</sup> 1916 C 146

<sup>14</sup> 1916 C 178

<sup>15</sup> 1918 C 204

<sup>16</sup> 1918 C 214 and C 414

<sup>17</sup> 1918 C 412

<sup>18</sup> 1918 C 430

engine whereby men were lowered into or hoisted out of mines.<sup>1</sup> The age minimum for boys in mines was lowered in 1891 to 14. All females were prohibited as before. Boys of 12 and over were allowed in the outside structures or workings of collieries, and boys under 12 could work in offices connected with mines.<sup>2</sup>

Manufacturing, mechanical, and mercantile establishments, telegraph and telephone offices were regulated in 1899.<sup>3</sup> The minimum age fixed was 15, except during vacations, unless in the 12 months preceding he had attended school for a reasonable period, or had obtained a reasonable proficiency in the branches of the first 8 grades, or had been excused from school attendance by the board of directors of the city in which he resided. Nor was employment to continue unless the child attended school for a certain part of each year until he had acquired the elementary branches of learning. Certificates of compliance with the educational requirements were required, showing date and place of birth. The employer was to keep this on file for all children under 15. Enforcement was the duty of the truant officer who was to visit establishments employing children, and demand names and certificates.

A 1903 act made it illegal to employ in bakeries any child under 16 between the hours of 8 p. m. and 5 a. m.<sup>4</sup> Fourteen was the minimum age established for factories, mills, workshops, and stores.<sup>5</sup> By a special permit from a superior judge, a child between the ages of 12 and 14 could be employed in occupations not dangerous or injurious to health or morals. For such permits, however, satisfactory evidence had to be given that the labor of the child was necessary for its support or for the assistance of an invalid parent. These special permits were issued for a definite time and could be revoked by the judge. In messenger service, no female under 18 was allowed to be employed.

In 1905 the minimum age for employment in factories, stores, telegraph or telephone companies was 15, as previously enacted. This provision applied only to the hours when the public schools were in session, and a child could be exempted if he presented a certificate from the school superintendent, giving the reason for excusing the child from school, the time for which the excuse was given, and the residence and age of the child. The attendance officer was charged with enforcement.<sup>6</sup>

The child-labor law of 1903 was re-enacted in 1907 with but a slight change in the restrictions on messenger service.<sup>7</sup> The minimum age was raised from 18 to 19 and made to include boys as well as girls. In cities of the first class, however, the juvenile court could issue permits for the employment of boys of 14 as messengers, subject to such limitations as might be imposed by the court. The compulsory school attendance law was the same as that passed in 1905.<sup>8</sup>

In 1909 the restrictions on employment in stores, factories, shops, and mines were changed by raising the minimum age for girls to 16.<sup>9</sup> The minimum age for boys—14—was unchanged. Farm or house work was specifically exempted from regulations. A special provision was made for mines.<sup>10</sup> Boys under 16 and all females were forbidden such employment. In the outside structure or workings of a colliery boys of 14 could be employed, and in offices, or other clerical work, "boys of suitable age." In cases of doubt, the child's age was to be established by the affidavit of the parent before he could enter employment. Eighteen, actually or apparently, was established as the age minimum for employment in immoral exhibitions, or as messengers to houses of prostitution.<sup>11</sup>

The industrial welfare commission was authorized in 1915 to establish standards of wages, hours, and conditions of labor for women and minors in the telephone industry in cities of less than 3,000. Nothing in this act was to be considered as amending or repealing laws relating to wages, hours, or the conditions of labor of women and minors.<sup>12</sup>

The power of the industrial welfare commission to fix standards of

<sup>1</sup> 1888 C 21

<sup>2</sup> 1891 C 81

<sup>3</sup> 1899 C 140

<sup>4</sup> 1903 C 135

<sup>5</sup> 1903 C 136

<sup>6</sup> 1905 C 162

<sup>7</sup> 1907 p 138

<sup>8</sup> 1907 C 231

<sup>9</sup> 1909 C 249

<sup>10</sup> 1909 p 407

<sup>11</sup> 1909 C 249

<sup>12</sup> 1915 C 68

wages and hours in the telephone industry was extended in 1917 to cover the telegraph industry as well.<sup>13</sup> A new coal mining code was passed, but the provisions as to the employment of women and minors were practically unchanged, boys under 16 and girls of any age being prohibited from underground work, boys over 14 and girls being allowed to work in outside structures. The act was limited to mines in which 5 or more men were employed underground on one shift. Mines employing less than 10 men were not subject to the provisions of the act except as to inspection.<sup>14</sup>

## WEST VIRGINIA

In 1887 the first child-labor provision was enacted, restricting the employment of children in factories, workshops, and mines. No minor under 12 years of age, who could not read or write, could be thus employed.<sup>1</sup> In mines girls of any age were prohibited employment.<sup>2</sup> The same age provision was re-enacted in 1891.<sup>3</sup> The dangerous occupations were regulated in 1891.<sup>4</sup> It was made illegal to employ any person under the age of 15 in rope or wire walking, as acrobat, gymnast, contortionist, or rider, in any indecent or immoral exhibition, or in any occupation dangerous to health, life, or limb. The minimum age for singing, dancing, or acting in a dance house, concert saloon, theater, or place of entertainment where liquor was sold, was likewise 15; but for singing, playing on musical instruments, or begging in the public streets, the age minimum was raised to 18. Minors and females of any age were prohibited from cleaning machinery in motion.<sup>5</sup> Seats for female employees were required to be provided, and likewise suitable toilets separate for the sexes.<sup>6</sup>

The 1905 act regulating factory employment forbade employment between the ages of 12 and 14 when school was in session, if such employment interfered with school attendance.<sup>7</sup> The minimum age in mines was raised in 1907 to 14 for boys.<sup>8</sup> As previously enacted, girls of any age were prohibited. The first compulsory attendance law was passed in 1908. It required children between the ages of 8 and 15 to attend school for 24 weeks each year.<sup>9</sup>

The minimum age in factories and workshops was made definitely 14 in 1911, and no child under 16 could be employed without a certificate from the superintendent of schools. These certificates had to be filed by the employer. They required documentary proof of age, and a school record showing ability to read and write English, and instruction equivalent to that given in the first four grades. If the issuing officer was in doubt as to the child's physical development and fitness, he could demand an examination by the board of public health. On termination of employment, the certificate was to be returned to the issuing officer. The truant officers, the factory inspectors, and the agents of the humane society were charged with the enforcement of these provisions.<sup>10</sup>

Employment in mines was further restricted in 1915 by demanding for legal employment outside of school hours the parent's sworn statement that the boy was 14 years old, or for employment during school hours, an affidavit proving that the applicant had attained the age of 16. The minimum age of 16 was demanded for all occupations in coal mines which were considered hazardous.<sup>11</sup>

The compulsory school attendance provisions were repealed for Williams and Spencer Districts in 1917.<sup>12</sup> Attendance for the entire session was required instead of for 24 weeks, and the act was made to apply to children from 7 to 15 instead of from 8 to 15 years of age. The distance exemption of the State law apparently did not apply and the following exemptions were added: (1) The completion of the grammar grades; (2) physical or mental incapacity.

<sup>13</sup> 1917 C 29

<sup>14</sup> 1917 C 36

<sup>1</sup> 1887 C 11

<sup>2</sup> 1887 C 50

<sup>3</sup> 1891 C 15

<sup>4</sup> 1901 C 14

<sup>5</sup> 1901 C 19

<sup>6</sup> Ibid

<sup>7</sup> 1905 C 75

<sup>8</sup> 1907 C 78

<sup>9</sup> 1908 C 27

<sup>10</sup> 1911 C 60

<sup>11</sup> 1915 C 10

<sup>12</sup> 1917 C 78 and C 71

## WISCONSIN

The first provision, enacted in 1867, made it illegal to "compel" any child under 18 or any woman to work more than 8 hours a day, or to "permit" any child under 14 to work more than 10 hours a day.<sup>1</sup> In 1877 an apparent minimum age of 12 was established in occupations injurious to health in factories and work shops where more than 3 persons were employed. The law, however, was not entirely clear. It read: It shall be unlawful to employ a child under 12 in any manual labor in a factory, etc., which shall be deemed injurious to the health of such child, such as tobacco factories, cotton mills, iron foundries, "and during the time that the public schools are not closed." It was the duty of the district attorney to commence legal action when notified of a violation.<sup>2</sup>

The following year the minimum age of 12 was re-enacted, and children between the ages of 12 and 14 were allowed to work but 7 months in the year.<sup>3</sup> Employment in dangerous occupations was regulated in 1880. It became illegal to employ a person under 14 years in such occupations.<sup>4</sup> By an act of 1889 the minimum age in shops, factories, mines, and stores was raised from 12 to 13. A child over 10 could secure a permit for work if he could read and write English, and if his labor was necessary to support the family. The permit had to state the age, residence, and amount of school attendance.<sup>5</sup>

This minimum age was raised to 14 in 1891.<sup>6</sup> An exemption was made for the service of parents outside of school hours. Permits could be granted to a child over 12 (formerly over 10) by the county judge if he considered that the moral and physical condition of the child, his state of education, and the necessities of his family warranted his employment. The commissioner of labor and factory inspectors were charged with the enforcement of this act.

In 1899 the minimum age law was changed to apply at any time instead of when public schools were in session. The minimum age of 14 was extended to cover mercantile establishments, laundries, telegraph, telephone, and messenger service during the hours when public schools were in session. A register was to be kept of every child employee under the age of 16. The hours of persons under 16 was limited to 10 a day and 6 days a week, and night work between 9 p. m. and 6 a. m. was forbidden. As by previous enactment, the commissioner of labor and the factory inspectors were charged with enforcement. Exemptions to this law were made for children over 12 whose services were necessary for self or family support. The minimum age of 16 was established for operating elevators.<sup>7</sup> The employment of children in public shows was regulated by making it illegal to grant a license to public shows in which children under 15 were employed as acrobats, contortionists, etc., when in the opinion of the board of officers authorized to grant licenses such employment was injurious to the health and morals of such children.<sup>8</sup> In cigar shops and factories the hours for children under 18 were limited to 8 a day and 48 a week.<sup>9</sup> Bowling alleys were added to the list of places in which employment was forbidden for children under 14 by an act of 1901.<sup>10</sup>

The child-labor law of 1903 contained few changes.<sup>11</sup> As previously, the minimum age was 14 and permits were required for children under 16. The night work and hour provisions were the same, but a new exemption was recognized. Papers could be delivered between 4 a. m. and 6 a. m. A certificate of physical fitness might be demanded by the factory inspector from a child apparently unable to perform the work at which it was engaged. It became illegal to employ women under 18 as messengers for telegraph or telephone companies.<sup>12</sup>

An act of 1905 authorized the commissioner of labor to appoint 10 suitable persons as factory inspectors. These inspectors, after inspection, were to issue a statement as to how the laws were complied with at the time of

<sup>1</sup> 1867 C 83

<sup>2</sup> 1877 C 289

<sup>3</sup> 1878 C 187

<sup>4</sup> 1880 C 239

<sup>5</sup> 1889 C 519

<sup>6</sup> 1891 C 109

<sup>7</sup> 1899 C 274

<sup>8</sup> 1899 C 330

<sup>9</sup> 1899 C 79

<sup>10</sup> 1901 C 182

<sup>11</sup> 1903 C 349

<sup>12</sup> 1903 C 402

their visit.<sup>13</sup> Truant officers could visit factories and ascertain whether or not there was illegal employment of children. They could require registers and school certificates, and were to report violations.<sup>14</sup>

In 1907 children under 16 could not be employed in oiling or cleaning machinery in motion, or in occupations where leads or dangerous acids were used or intoxicating liquors sold. Nor could any female under 16 be employed in any capacity which compelled her to stand constantly. Fourteen, as before, was the minimum age in factories, work shops, bowling alleys, and mines. Vacation permits could be issued to children over 12. The hours for children under 16 were limited to 10 a day and 55 a week, and 6 days a week, and night work between 6 p. m. and 7 a. m. was forbidden except in cases of emergency to save perishable goods. This did not apply to the delivering of papers between 4 and 6 a. m., or between 4 and 8 p. m., providing the school attendance requirements were complied with. Nor did it apply to children between 14 and 16 working in a store between 7 a. m. and 9 p. m., provided the hours were no more than 10 a day, 55 a week, or 6 days a week.<sup>15</sup> For playing in a circus, or as a musician, the minimum age of 14 was fixed.<sup>16</sup>

A 1909 law forbade boys under 10 and girls under 16 to sell newspapers in public places. It likewise made it illegal for boys under 12 and girls under 16 to be employed as bootblacks, or in any other street trades in cities of the first class. Boys under 14 were required to have a badge indicating compliance with the school attendance laws, and mental and physical ability to both work and attend school as required. In case of temporary illness, a boy of 10 years or more without a badge could substitute for a period not exceeding 7 days. The requirements for a badge were proof of age and a permit, stating the place, date of birth of child, name and address of parents, and personal description of child. The badge was not transferable and had to be worn conspicuously. In cities of the first class, boys under 14 could not be employed between 10 p. m. and 6 a. m. selling papers, nor between 7 p. m. and 7 a. m. blacking boots. No child under 14 could be employed in any of these occupations during the hours when the public schools were in session.<sup>17</sup> The law covering employment in factories, work-shops, bowling alleys, etc., contained no important changes.<sup>18</sup>

In 1911 the list of occupations was increased in which employment under 14 was prohibited. Sixteen was set as the age minimum in the list of dangerous occupations, and 18 in extra hazardous occupations, including mines and quarries. Children under 16 could not work more than 8 hours a day or 48 a week, nor between 6 p. m. and 7 a. m. in messenger service in cities of the first class. In cities of the second and third class minors under 21 were forbidden to work between 8 p. m. and 6 a. m. Employment certificates required documentary proof of age and a written pledge from the employer. These certificates were to be returned to the issuing officer at the termination of employment. Vacation exemptions for children between 12 and 14 no longer permitted employment in hotels, and the vacation permit was similar to the work permit in all respects excepting the educational requirement. The minimum age for employment in theaters was raised from 14 to 16.<sup>19</sup> The street trades law made it illegal for boys under 12 and girls under 18 to sell newspapers in public places. In the other street trades the minimum age was 14 for boys and 18 for girls. Boys under 14 could not work after 6.30 in the winter, nor after 7.30 in the summer. The industrial commission enforced these provisions.<sup>20</sup> Wherever evening, continuation, industrial, or commercial schools were established, children between 14 and 16 years of age had to attend not less than 5 hours a week for 6 months.<sup>21</sup> Employers were required to reduce the hours of such children not less than the number of hours that they attended school.<sup>22</sup> Illiterate minors over 14 could not be employed where there were such schools unless they attended them. They had to furnish the employer a weekly report of attendance. Exemptions were made if it were certified

<sup>13</sup> 1905 C 38

<sup>14</sup> 1905 C 246

<sup>15</sup> 1907 C 523

<sup>16</sup> 1907 C 412

<sup>17</sup> 1909 C 377

<sup>18</sup> 1909 C 338

<sup>19</sup> 1911 C 479

<sup>20</sup> 1911 C 439

<sup>21</sup> 1911 C 660

<sup>22</sup> 1911 C 505



that school attendance together with work was harmful to the health, or if the school was too great a distance from the home.<sup>23</sup>

The hours for children in all employments were limited in 1913 to 48 a week, including the 4 hours at continuation school. Eight and a half hours a day could be allowed to secure a half holiday on Saturday. Domestic service and farm labor were exempted from this provision. Night work between 6 p. m. and 7 a. m. was prohibited.<sup>24</sup> The dangerous occupations law forbade minors under 18 in messenger service; under 16 around certain dangerous machinery; and no females in employment requiring constant standing. In cities of the first, second, and third class, night messenger service between 8 p. m. and 6 a. m. was prohibited for minors under 21.<sup>25</sup> Night work in the street trades was forbidden for children under 16, formerly 14, between 7.30 p. m. and 5 a. m.<sup>26</sup> Children between 14 and 16 had to attend school or become regularly employed at home or elsewhere.<sup>27</sup> The continuation school requirement for children between 14 and 16 could be for either 4 hours a week for 8 months, or 5 hours a week for 6 months.<sup>28</sup>

In 1915, continuation school attendance was required where such schools were established, for minors between 16 and 17 for 5 hours a week, 6 months a year, or for 4 hours a week, 8 months a year. These hours were to be counted as part of the working day.<sup>29</sup>

The provision fixing the 8-hour day and 48-hour week for children under 16 was amended in 1917 by eliminating permission to work 8½ hours provided the week did not exceed 48 hours, and a half day Saturday was granted. The total hours of vocational school attendance and employment of boys from 16 to 17 could not exceed 55 hours a week.<sup>30</sup> All children, instead of merely employed children, between the ages of 14 and 17 had to attend vocational schools where they were established. The period of attendance was increased to 8 hours a week for 8 months, and for such additional number of months as the public schools were in session. This increase in the number of hours attendance did not take effect, however, for children 16 to 17 years of age until September 1st, 1918. Before that date, they were required to attend only 4 hours a week for 8 months and for such additional time as the public schools were in session.<sup>31</sup> Throughout the 1917 statutes "continuation school" was changed to "vocational school." Rules for evidence of age for work permits were hereafter to be prescribed by the industrial commission.<sup>32</sup> Work permits were required up to 17 years of age instead of 16, and children in domestic service in places where vocational schools were established were specifically required to obtain permits. The permit had to contain the signature of the director of the vocational school and had to be issued by the industrial commission or someone designated by it. The industrial commission could refuse to grant a permit if it decided that the best interests of the child would be served by such refusal.<sup>33</sup> Workmen's compensation provisions are not usually noted in child-labor laws, but the one enacted in 1917 was unusual and had a decided effect upon the enforcement of the child-labor law. If the injured employee was a minor of permit age, working without a permit, or working at a prohibited occupation, the employer was liable to treble compensation, and he could not insure himself against liability for the additional two-thirds compensation.<sup>34</sup>

The provision requiring a permit for illiterate minors over 14 at work in "any industry for which a public evening school is maintained," and requiring them to attend evening school was amended in 1918 by requiring attendance only for minors over 17 and the permit was not required at all. Attendance records, however, were still required. This made practically no change in the child-labor requirements, for the provision had never been in force, there being no evening schools for any specific industry. As amended, the law required evening school attendance of illiterate minors

<sup>23</sup> 1911 C 522

<sup>24</sup> 1913 C 584

<sup>25</sup> 1913 C 466

<sup>26</sup> 1913 C 483

<sup>27</sup> 1913 C 230

<sup>28</sup> 1913 C 584

<sup>29</sup> 1915 C 420

<sup>30</sup> 1917 C 674

<sup>31</sup> Ibid

<sup>32</sup> 1917 C 633

<sup>33</sup> 1917 C 674

<sup>34</sup> 1917 C 624

over 17 at work in any place "in which a public evening school or vocational school was maintained" so that the new law was a real advance over the old in this respect. Attendance was required for at least 4 hours a week.<sup>25</sup> The age for which permits were required in street trades was raised from between 12 and 16 to between 12 and 17. Boys up to 17 were subject to all the other street trades regulations, but where the compulsory school attendance age stopped at 16, boys from 16 to 17 did not need to present school certificates to obtain permits and badges. The industrial commission was given power and was charged with the duty of regulating street trades outside cities of the first class. They were required to issue orders as to minimum age, permits, and hours, but no girl under 18 and no boy under 12 could be permitted to engage in such a trade. Until the industrial commission issued such orders, the street trades law, formerly applicable only to first-class cities, was made applicable to the entire State.<sup>26</sup>

## WYOMING

The earliest regulation of child labor occurred in 1886. In that year, it was made illegal for a boy under 14 or a woman or girl of any age to work in or about any coal mine. Clerical work was exempted.<sup>1</sup> In 1889, this provision was extended to cover iron and other dangerous mines.<sup>2</sup> This same provision was re-enacted without change in 1890,<sup>3</sup> and the minimum age of 18 was fixed for sending minors as messengers to houses of assignation, or to any place where indecent or illegal exhibitions took place.<sup>4</sup>

Employment in dangerous occupations was restricted by an act of 1895.<sup>5</sup> No person under 14 could be employed singing, playing on musical instruments, dancing, rope or wire walking, begging or peddling, acting as gymnast, contortionist, rider, acrobat, or performer in any place whatever where liquors were sold or given away, or in any business injurious to health or dangerous to life or limb. Schools and respectable entertainments were exempted.

In 1915, the minimum age of 18 was fixed for employment in places where alcoholic liquors were sold; 14, as messengers to places used for immoral purposes; 16, as actors in concert halls or where liquor was sold, or in any vocation injurious to health or morals. An exemption was made for amateur theatricals for charity, clubs, churches, and schools. Employment in mines, near dangerous machinery, or in the manufacture of leads, dyes, and poisons, was forbidden under 14 years.<sup>6</sup> No person under 14 could work in any dangerous occupation for more than 56 hours a week, or 9 a day. Females under 18 were prohibited in any occupation demanding constant standing.<sup>7</sup>

The women's hours of labor act was changed in 1917 as follows: (1) The telephone exchange was omitted from the list of establishments affected; (2) the hours were increased from 56 to 60, and the prohibition of over 10 hours in one day was omitted, but those working 7 days a week could not work more than 10 hours a day, and those working not more than 6 days a week could not work more than 10 hours a day and 53 hours a week; (3) the following provisions were repealed: (a) The limitation of the daily work to a period within 12 hours; (b) provisions for lunch period and rest period; (c) the exemption of hotels and restaurants operated by railroads; (d) the exemption of telephone offices employing 3 females or less, but telephone exchanges were no longer contained in the list of establishments to which this act applied.<sup>8</sup> The office of commissioner of labor and statistics was created to enforce the labor laws.<sup>9</sup>

<sup>25</sup> 1918 C 2

<sup>26</sup> 1918 C 12

<sup>1</sup> 1886 C 24

<sup>2</sup> 1889 A 2 s 3

<sup>3</sup> 1890 p 57

<sup>4</sup> 1890-91 C 20

<sup>5</sup> 1895 C 46

<sup>6</sup> 1915 C 77

<sup>7</sup> Ibid

<sup>8</sup> 1917 C 106

<sup>9</sup> 1917 C 113



## FEDERAL LEGISLATION

Two attempts have been made to regulate the employment of children by Federal law. The United States Government has not the power to legislate directly in the field of labor. For this reason its attempts have been through devious and indirect channels. The first law, enacted in September, 1916, tried to regulate child labor through its powers to legislate interstate commerce. The act definitely prohibited interstate commerce in the products of child labor. The text of the law is herewith given:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That no producer, manufacturer, or dealer shall ship or deliver for shipment in interstate or foreign commerce any article or commodity the product of any mine or quarry, situated in the United States, in which within thirty days prior to the time of the removal of such product therefrom children under the age of sixteen years have been employed or permitted to work, or any article or commodity the product of any mill, cannery, workshop, factory, or manufacturing establishment, situated in the United States, in which within thirty days prior to the removal of such product therefrom children under the age of fourteen years have been employed or permitted to work, or children between the ages of fourteen years and sixteen years have been employed or permitted to work more than eight hours in any day, or more than six days in any week, or after the hour of seven o'clock postmeridian, or before the hour of six o'clock antemeridian: *Provided,* That a prosecution and conviction of a defendant for the shipment or delivery for shipment of any article or commodity under the conditions herein prohibited shall be a bar to any further prosecution against the same defendant for shipments or deliveries for shipment of any such article or commodity before the beginning of said prosecution.

SEC. 2. That the Attorney General, the Secretary of Commerce, and the Secretary of Labor shall constitute a board to make and publish from time to time uniform rules and regulations for carrying out the provisions of this act.

SEC. 3. That for the purpose of securing proper enforcement of this act the Secretary of Labor, or any person duly authorized by him, shall have authority to enter and inspect at any time mines, quarries, mills, canneries, workshops, factories, manufacturing establishments, and other places in which goods are produced or held for interstate commerce; and the Secretary of Labor shall have authority to employ such assistance for the purposes of this act as may from time to time be authorized by appropriation or other law.

SEC. 4. That it shall be the duty of each district attorney to whom the Secretary of Labor shall report any violation of this act, or to whom any State, factory or mining or quarry inspector, commissioner of labor, State medical inspector, or school-attendance officer, or any other person shall present satisfactory evidence of any such violation to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States without delay for the enforcement of the penalties in such cases herein provided: *Provided,* That nothing in this act shall be construed to apply to bona fide boys' and girls' canning clubs recognized by the Agricultural Department of the several States and of the United States.

SEC. 5. That any person who violates any of the provisions of section one of this act, or who refuses or obstructs entry or inspection authorized by section three of this act, shall for each offense prior to the first conviction of such person under the provisions of this act, be punished by a fine of not more than \$200, and shall for each offense subsequent to such conviction be punished by a fine of not more than \$1,000, nor less than \$100, or by imprisonment for not more than three months, or by both such fine and imprisonment, in the discretion of the court: *Provided,* That no dealer shall be prosecuted under the provisions of this act for a shipment, delivery for shipment, or transportation who establishes a guaranty issued by the person by whom the goods shipped or delivered for shipment or transportation were manufactured or produced, resident in the United States, to the effect that such goods were produced or manufactured in a mine or quarry in which within thirty days prior to their removal therefrom no children under the age of sixteen years were employed or permitted to work, or in a mill, cannery, workshop, factory, or manufacturing establishment, in which within thirty days prior to the removal of such goods therefrom no children under the age of fourteen years were employed or permitted to work, nor children between the ages of fourteen years and sixteen years employed or permitted to work more than eight hours in any day or more than six days in any week or after the hour of seven o'clock postmeridian or before the hour of six o'clock antemeridian; and in such event, if the guaranty contains any false statement of a material fact, the guarantor shall be amenable to prosecution and to the fine or imprisonment provided by this section for violation of the provisions of this act. Said guaranty, to afford the protection above provided, shall contain the name and address of the person giving the same: *And provided further,* That no producer, manufacturer, or dealer shall be prosecuted under this act for the shipment, delivery for shipment, or transportation of a product of any mine, quarry, mill, cannery, workshop, factory, or manufacturing establishment, if the only employment therein, within thirty days prior to the removal of such product therefrom, of a child under the age of sixteen years has been that of a child as to whom the producer or manufacturer has in good faith procured, at the time of employing such child, and has since in good faith relied upon and kept on file a certificate, issued in such form, under such conditions, and by such persons as may be prescribed by the board, showing the child to be of such an age that the shipment, delivery for shipment, or transportation was not prohibited by

this act. Any person who knowingly makes a false statement or presents false evidence in or in relation to any such certificate or application therefor shall be amenable to prosecution and to the fine or imprisonment provided by this section for violations of this act. In any State designated by the board, an employment certificate or other similar paper as to the age of the child, issued under the laws of that State and not inconsistent with the provisions of this act, shall have the same force and effect as a certificate herein provided for.

Sec. 6. That the word "person" as used in this act shall be construed to include any individual or corporation or the members of any partnership or other unincorporated association. The term "ship or deliver for shipment in interstate or foreign commerce" as used in this act means to transport or to ship or deliver for shipment from any State or Territory or the District of Columbia to or through any other State or Territory or the District of Columbia or to any foreign country; and in the case of a dealer means only to transport or to ship or deliver for shipment from the State, Territory, or district of manufacture or production.

Sec. 7. That this act shall take effect from and after one year from the date of its passage.

Approved, September 1, 1916.<sup>1</sup>

Had the law lived it would have proved effective, but unfortunately its life was of short duration. On June 3, 1918, it was declared unconstitutional by the United States Supreme Court, the charge being that it was an illegal invasion of State rights.

A second attempt to regulate the employment of children through federal legislation was made in 1919. The text of this law is as follows:

Sec. 1200. That every person (other than a bona fide boys' or girls' canning club recognized by the Agricultural Department of a State and of the United States) operating (a) any mine or quarry situated in the United States in which children under the age of sixteen years have been employed or permitted to work during any portion of the taxable year; or (b) any mill, cannery, workshop, factory, or manufacturing establishment situated in the United States in which children under the age of fourteen years have been employed or permitted to work, or children between the ages of fourteen and sixteen have been employed or permitted to work more than eight hours in any day or more than six days in any week, or after the hour of seven o'clock postmeridian, or before the hour of six o'clock antemeridian, during any portion of the taxable year, shall pay for each taxable year, in addition to all other taxes imposed by law, an excise tax equivalent to 10 per centum of the entire net profits received or accrued for such year from the sale or disposition of the product of such mine, quarry, mill, cannery, workshop, factory or manufacturing establishment.

Sec. 1201. That in computing net profits under the provisions of this title, for the purpose of the tax, there shall be allowed as deductions from the gross amount received or accrued for the taxable year from the sale or disposition of such products manufactured within the United States the following items:

- (a) The cost of raw materials entering into the production;
- (b) Running expenses, including rentals, cost of repairs, and maintenance, heat, power, insurance, management, and a reasonable allowance for salaries or other compensations for personal services actually rendered, and for depreciation;
- (c) Interest paid within the taxable year on debts or loans contracted to meet the needs of the business, and the proceeds of which have been actually used to meet such needs;
- (d) Taxes of all kinds paid during the taxable year with respect to the business or property relating to the production; and
- (e) Losses actually sustained within the taxable year in connection with the business of producing such products, including losses from fire, flood, storm, or other casualties, and not compensated for by insurance or otherwise.

Sec. 1202. That if any such person during any taxable year or part thereof, whether under any agreement, arrangement, or understanding or otherwise, sells or disposes of any product of such mine, quarry, mill, cannery, workshop, factory, or manufacturing establishment at less than the fair market price obtainable therefor either (a) in such manner as directly or indirectly to benefit such person or any person directly or indirectly interested in the business of such person; or (b) with intent to cause such benefit; the gross amount received or accrued for such year or part thereof from the sale or disposition of such product shall be taken to be the amount which would have been received or accrued from the sale or disposition of such product if sold at the fair market price.

Sec. 1203. (a) That no person subject to the provisions of this title shall be liable for the tax herein imposed if the only employment or permission to work which but for this section would subject him to the tax, has been of a child as to whom such person has in good faith procured at the time of employing such child or permitting him to work, and has since in good faith relied upon and kept on file a certificate, issued in such form, under such conditions and by such persons as may be prescribed by a board consisting of the Secretary, the Commissioner, and the Secretary of Labor, showing the child to be of such age as not to subject such person to the tax imposed by this title. Any person who knowingly makes a false statement or presents false evidence in or in relation to any such certificate or application therefor shall be punished by a fine of not less than \$100, nor more than \$1,000, or by imprisonment for not more than three months, or by both such fine and imprisonment, in the discretion of the court.

In any State designated by such board an employment certificate or other similar paper as to the age of the child, issued under the laws of that State, and not inconsistent with the provisions of this title, shall have the same force and effect as a certificate herein provided for.

<sup>1</sup> Public—No. 249—64th Congress.

(b) The tax imposed by this title shall not be imposed in the case of any person who proves to the satisfaction of the Secretary that the only employment or permission to work which but for this section would subject him to the tax, has been of a child employed or permitted to work under a mistake of fact as to the age of such child, and without intention to evade the tax.

SEC. 1204. That on or before the first day of the third month following the close of each taxable year, a true and accurate return under oath shall be made by each person subject to the provisions of this title to the collector for the district in which such person has his principal office or place of business, in such form as the Commissioner, with the approval of the Secretary, shall prescribe, setting forth specifically the gross amount of income received or accrued during such year from the sale or disposition of the product of any mine, quarry, mill, cannery, workshop, factory, or manufacturing establishment, in which children have been employed subjecting him to the tax imposed by this title, and from the total thereof deducting the aggregate items of allowance authorized by this title, and such other particulars as to the gross receipts and items of allowance as the Commissioner, with the approval of the Secretary, may require.

SEC. 1205. That all such returns shall be transmitted forthwith by the collector to the Commissioner, who shall, as soon as practicable, assess the tax found due and notify the person making such return of the amount of tax for which such person is liable, and such person shall pay the tax to the collector on or before thirty days from the date of such notice.

SEC. 1206. That for the purpose of this act the Commissioner, or any other person duly authorized by him, shall have authority to enter and inspect at any time any mine, quarry, mill, cannery, workshop, factory, or manufacturing establishment. The Secretary of Labor, or any person duly authorized by him, shall, for the purpose of complying with a request of the Commissioner to make such an inspection, have like authority, and shall make report to the Commissioner of inspections made under such authority in such form as may be prescribed by the Commissioner with the approval of the Secretary of the Treasury.

Any person who refuses or obstructs entry or inspection authorized by this section shall be punished by a fine of not more than \$1,000, or by imprisonment for not more than one year, or both such fine and imprisonment.

SEC. 1207. That as used in this title the term "taxable year" shall have the same meaning as provided for the purposes of income tax in section 200. The first taxable year for the purpose of this title shall be the period between sixty days after the passage of this act and December 31, 1919, both inclusive, or such portion of such period as is included within the fiscal year (as defined in section 200) of the taxpayer.

ARTICLE 1. In Title XII of the revenue act of 1918, the following words and terms as used therein, signify as follows:

- (a) "Person" includes individuals, partnerships and corporations;
- (b) "Corporation" includes associations, joint stock companies, and insurance companies;
- (c) "Secretary" means Secretary of the Treasury;
- (d) "Commissioner" means Commissioner of Internal Revenue;
- (e) "Under the age of sixteen years" means those children who have not yet completed their sixteenth year;
- (f) "Under the age of fourteen years" means those children who have not yet completed their fourteenth year;
- (g) "Eight hours in any day" means the actual period of employment and shall be reckoned from the time the child is required or allowed to be at the place of employment until he or she stops work for the day, exclusive of one continuous period of a definite length of time during which the child is off work and not subject to call for duty of any kind;
- (h) "Six days in any week" means six consecutive days, no one of which shall consist of more than eight hours of working time. A day shall not begin before 6 o'clock a. m. and must not extend beyond 7 o'clock p. m.

ART. 2. Canning clubs exempted from liability to tax by the provisions of section 1200 are boys' and girls' canning clubs, as that term has been heretofore generally applied, which are conducted in good faith as canning clubs only and which are recognized as such by the agricultural department of the State in which they are located and by the United States Department of Agriculture.

ART. 3. The law imposes an excise tax, which is in addition to all other taxes imposed by law, of 10 per centum of the entire net profits received or accrued during each taxable year from the operations of every mill, cannery, workshop, factory, or manufacturing establishment, in which any child under the age of 14 years has been employed or permitted to work, or in which any child between the ages of 14 and 16 has been employed or permitted to work more than eight hours in any day or more than six days in any week, or after the hour of 7 o'clock p. m., or before the hour of 6 o'clock a. m. The tax is also imposed on the entire net profits received from the operations of any mine or quarry in which any child under the age of 16 years has been employed or permitted to work. Liability for the tax is established by the employment of any child laborer as defined by the statute. The product of the child's labor is not the basis for the imposition of the tax. In every case, the tax must be applied to the entire net income of the taxpayer.

ART. 4. Returns under this title are to be made as provided by section 1204 "on or before the first day of the third month following the close of each taxable year" under oath by each person subject to the provisions of this title "to collector for the district in which such person has his principal office or place of business, in such form as the Commissioner, with the approval of the Secretary, shall prescribe."

ART. 5. The term "taxable year" means a calendar year or a fiscal year ending in such calendar year during which the tax is imposed. The fiscal year means an accounting period of 12 months ending on the last day of any month other than December. The first taxable year, to be called the taxable year 1919, shall be the period between April 25, 1919, and December 31, 1919, both inclusive, or any fiscal year ending within the same period. Forms for making returns will be prepared and in the hands of collectors before the time arrives for the making of return.

ART. 6. The collector shall transmit forthwith all such returns to the Commissioner (sec. 1205), "who shall, as soon as practicable, assess the tax found due and notify the person making such return of the amount of tax for which such person is liable, and such person shall pay the tax to the collector on or before 30 days from the date of such notice."

ART. 7. Actions to enforce the penalties provided for by sections 1203 and 1206 will be brought in the Federal courts by the United States district attorney of the Federal judicial district in which the offense occurs.

ART. 8. Pursuant to statute the Child Labor Tax Board, consisting of the Secretary of the Treasury, the Commissioner of Internal Revenue, and the Secretary of Labor, has prescribed the following provisional regulations:

*Certificate of age.*—Certificates of age, in order to free from liability to taxation persons operating the business specified, shall be either:

(a) Federal age certificates for children between 14 and 16 years of age when employed or permitted to work in any mill, cannery, workshop, factory, or manufacturing establishment, and for children between 16 and 17 years of age when employed or permitted to work in or about any mine or quarry. Such certificates shall bear (1) the child's name; (2) birthplace; (3) month, day, and year of birth; (4) color; (5) sex; (6) kind of evidence of age accepted and age when physical age is accepted; (7) signature of the child; (8) name and address of child's parent, guardian, or custodian; (9) name and address of employer; (10) signature, address, and official designation of agent issuing the certificate; (11) date and place certificate was issued.

(b) An age certificate, working or employment certificate or permit, or other similar paper as to the age of the child, issued in accordance with the laws of the State in such States as are designated by the board.

ART. 9. *Proof of age.*—Age-certificate inspectors authorized to issue Federal certificates of age shall do so only after securing, examining, and approving proof of age as follows: The child shall make application to the age-certificate inspectors in person, accompanied by parent, guardian, or custodian, with documentary evidence of age, showing that he is 14 years of age or over if the employment is to be in a mill, cannery, workshop, factory, or manufacturing establishment, or that he is between 16 and 17 years of age if employment is sought in or about a mine or quarry. Documentary evidence or proof of age, required in the order following, shall be:

(a) A birth certificate or duly attested transcript thereof issued by the registrar of vital statistics or other officer charged with the duty of recording births.

(b) A baptismal certificate or transcript of the record of baptism, duly certified, showing the date of birth and place of baptism of child.

(c) A bona fide contemporary record of the date of the child's birth, comprising a part of the family record of births in the Bible, or other documentary evidence satisfactory to the board, such as a certificate of arrival in the United States issued by the United States immigration officers and showing the age of the child, a passport showing the age of the child, or a life insurance policy: *Provided*, That such other satisfactory documentary evidence has been in existence at least one year, and in the case of a life insurance policy at least four years: *And provided further*, That a school record or a parent's, guardian's, or custodian's affidavit or other written statement of age shall not be accepted except as specified in paragraph (d).

(d) A certificate signed by a public-health physician or a public-school physician, stating, in his opinion, the physical age of the child. Such certificate shall show the height and weight of the child and other evidence of physical age revealed by the physician's examination or upon which the opinion of the physician is based. A parent's, guardian's, or custodian's signed statement as to the age of the child, and a record of age as given on the register of the school first attended by the child, or in any school census, if obtainable, shall be submitted with the physician's certificate showing physical age. No certificate shall be issued if the physician's certificate of physical age or the parent's statement or the register of the school first attended or the school census shows the child to be under the age of 14 if employment in a mill, cannery, workshop, factory, or manufacturing establishment is contemplated, or under the age of 16 if employment in a mine or quarry is contemplated.

The agent issuing the age certificate for a child shall require the evidence of age stated in paragraph (a) in preference to that specified in any subsequent paragraph, and shall not accept evidence of age permitted by any later paragraph unless he shall receive and file evidence that the proof of age required by the preceding paragraph or paragraphs can not be obtained.

ART. 10. *Acceptance of State certificates.*—States in which age certificates, or working or employment certificates, permits, or other similar papers as to the age of the child are issued under State authority, substantially in accord with the requirements of this act and these regulations, may be designated as States in which such certificates shall have the same force and effect as Federal age certificates, *except as the acceptance for the purposes of this act of individual certificates may be suspended or revoked*. Certificates, permits, or other similar papers in States so designated shall have the same effect as Federal age certificates so long as they shall remain in force, the Commissioner of Internal Revenue or such person as he may designate possessing the right to suspend or revoke the acceptance for the purposes of this act of individual certificates at any time. Certificates imposing restrictions or conditions in addition to the requirements of the Federal law or of the regulations shall not be held inconsistent with the law.

ART. 11. *Time record.*—A time record shall be kept daily by persons operating any mill, cannery, workshop, factory, or manufacturing establishment, showing the hours of employment for each and every child who has completed the fourteenth year but has not yet completed the sixteenth year of its age, whether employed on a time or a piece-rate basis. Certificates of age for children employed in any mill, cannery, workshop, factory, or manufacturing establishment, may be suspended or revoked for failure on the part of the person operating the same to keep time records as required by this regulation or for false or fraudulent entries made therein.

ART. 12. Federal agents will visit those States in which Federal certificates are to be

issued and will issue the certificates in person. These agents will communicate with the employer prior to their arrival.

Further regulations will be promulgated as soon as practicable.<sup>1</sup>

The Federal government having the right to levy taxes, thought to use this means of protecting children from premature and excessive labor. The aim was to tax child labor out of existence—to make it unprofitable. But this law, too, has been charged with unconstitutionality, brought before the Supreme Court, and is now awaiting judgment.

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<sup>1</sup> Revenue Act of 1918, Title XII, approved Feb. 24, 1919.





## CONCLUSION

A sane and comprehensive notion of child-labor legislation depends on the knowledge of two things—standards and conditions. Standards we discussed first, before tracing the historical development of legislative action, for standards form our rule by which to measure past legislation, no less than future. While standards form our guide, conditions constitute our actuating motive. Without the urge of necessity—recognized necessity—we shall find little action in our legislatures.

A history of child-labor conditions would bring us through the morbid tales of chimney sweeps, and breaker boys, child slaves of the mines, the sweat shops, the canneries, and the cotton fields. These tales of ancient evils are too well known to warrant a review. But to what extent do such conditions persist to the present day is the question. According to David Sneddon of the National Society for Vocational Education, up to the year 1916, about 75 per cent of our children left school to go to work between the ages of 14 and 16—which means that the large majority of our future citizens have hardly more than a grammar school education. To admit that such a condition prevails is to admit that the school system supported by the taxes of the American people is not answering the needs of the American people. It is failing to function properly. If children of 14 to 16 are forced into the industrial world, the school should follow them. If they are learning nothing from their classes and are not interested, the school should discover in what their interest does lie and offer it to them. In this appalling exodus of future citizens from the portals of learning we see the crying need for continuation and vocational educational schools.

The National Child Labor Committee states that at the time of its last official reckoning (1910) there were 2,000,000 children between the ages of 10 and 15 in gainful occupations—and of these 2,000,000 but a meager 15 per cent are in any way touched by the Federal child-labor law which has since gone into effect. This bill imposing a tax on the products of child labor, though active, is not yet assured of its life, but is awaiting trial for constitutionality when it will be acquitted or condemned. Children employed in agriculture, domestic service, street trades, stores, messenger or delivery companies, tenement houses, restaurants or hotels, are not affected. State legislative protection has, however, advanced and inversely, the number of very young workers at least has decreased.

The National Child Labor Committee has issued some interesting figures showing the effect of the war on child labor. In 15 States, there was an increase of from 3 to 20 per cent in the number of children leaving school to enter employment during the first 6 or 8 months of 1920. During the last 4 years, New Jersey numbers between 19,000 and 20,000 of such cases; Massachusetts, 30,000 between 14 and 16, and 80,000 under 18; Chicago had 28,000 child laborers last summer (1920); in New York City, approximately 100,000 work permits were issued in the years 1919 and 1920.

This shows that child labor, while considerably advanced from the days of the chimney sweep, is still a problem. A 14-year age minimum has been adopted by most States at least for factory employment. A 16-year minimum has been advocated by some individuals. This would approach an ideal, but would of necessity have to be accompanied by an efficient school curriculum and adequate mothers' pension laws, and also provision for out-of-school-hours employment. In some States where the 14-year minimum supposedly exists, the enforcement provisions are so weak or the exemptions so strong that the act is to all purposes dead.

The three fields in which the labor of children meets with but little regulation are the tenements, the farm, and the streets. It is practically impossible to regulate the homework done in the tenements. Homes are

turned into workshops and factories. Babies are brought up from their earliest years to work steadily for long hours and under unsanitary conditions at such jobs as putting dots in veils or making artificial flowers.

Nor are children in agriculture covered by adequate legal protection. This is due to some extent to an erroneous public opinion that farm work is good for children. The public in general connect it with easy work, plenty of fresh air, and healthy exercise. The amount of fresh air, it is true, is not limited, but farm work is not easy. It is arduous and continues in all sorts of weather. Sunny skies do not always smile on child slaves of the fields and, sometimes, even sunny skies are not exactly comfortable. The actual number of children engaged in farm labor is, according to the National Child Labor Committee, nearly a million and a half. When we consider that this number is nearly three-fourths of the total number of child laborers we realize that child labor in agriculture is no small problem. And yet this very phase of the problem is one as yet barely touched by law. The figures given are for children between the ages of 10 and 16 and therefore do not include the children 5 years old and up who pick cotton and worm tobacco. Conditions in the Colorado beet fields are among the worst, for the labor in connection with the harvesting of beets is decidedly hard. The pulling and topping of beets requires both strength and skill and is as injurious as any factory work to young children.

Children in the street trades suffer more from vicious environment than they do from actual hard labor, although in many cases the work itself is too great a strain on the health. Peddling, selling vegetables, etc., and delivering, is work entailing long hours of tedious labor. Even the newsie's duties, which are perhaps the lightest of the street trades, demand long hours of standing, continual loud shouting, and the carrying of a very gradually diminishing load weighing anywhere from 12 to 45 pounds. As has been said, however, these health aspects of the street trades, while decidedly harmful to the proper development of the child, are not as deleterious as the social aspects. Late, irregular hours and rough companions build up erroneous standards of pleasure and enjoyment. Pure nerve excitements take the place of wholesome play. Association with older and more experienced boys and men afford harmful and precocious knowledge. Physical fatigue breaking down the normal inhibitions, and lack of supervision or restraint, cause precocious knowledge to evolve into precocious experiences. Begging and all sorts of "tricks of the trade" are soon caught on to—getting something for nothing is an ideal to be striven for. The principles of mendicancy, irresponsibility, and bad citizenship are instilled.

Although 21 States have some street trade regulation, the minimum age is frequently as low as 10 years. In many States, too, the weak enforcement provisions render the law ineffective. Mere babies continue to be newsies and bootblacks and learn the language and customs of the streets and alleys.

The attempt in the District of Columbia to enforce a 16-year minimum in all gainful occupations has met with opposition. The opposition is based on the belief that children of 14, especially boys of 14, are fully capable from a physical point of view to enter employment and in cases where their educational attainments are at a standstill they should be allowed to leave the school which is no longer benefiting them, and turn their efforts to more fertile fields. A comprehensive study of these perfectly sane objections will show that they are merely strong arguments for better education. That the existing school system fails is no argument for depriving children of their normal rights. The more constructive course is to rebuild a school system which will minister to the wants of our children; to enable poor children to take advantage of educational opportunities by supplying mothers' pensions; to make the school follow the child into industry and offer him opportunities for education and advancement in the particular industrial field in which he is employed; to adapt the necessary general cultural classes to the hours and convenience of those employed. Vocational education and continuation classes are not embodied to any great extent in our State children's codes. Some industrial concerns

have realized the need and supplied it, but the responsibility should not be with them nor should their few efforts relieve the State of burdens justly its own.

From a point of view of health, 16 is not too high a minimum. The physical effects of premature labor are disastrous. The years 14 to 16 are years of development requiring the least expenditure of nervous energy and the greatest amount of healthful recreation, exercise, food, and sleep. Employment during these years is a tax and very apt to undermine the strength of future years. These statements are supported by the findings of several studies. A study of 1,500 Maryland children under 16 who had been employed revealed the fact that 100 different defects or diseases were directly traceable to employment. A Government study in Massachusetts showed that cotton-mill boys between the ages of 15 and 19 were twice as liable to tuberculosis as boys of the same age outside the mill. Foreign figures lead to the same conclusions. In Vienna, a study of children entering employment at 14 showed that the sickness rate doubled during the first year of employment and continued at that height for 4 years.

Even apart from statistics, the deduction is a natural one. Arduous or monotonous labor, continuous hours, and bad air—the concomitants of industrial employment—cannot be fruitful of good at a time when the growing body demands relaxation, out-of-door air, and exercise. These strenuous objections against child labor do not concern children doing harmless, healthful work. Home chores, out-of-door tasks, manual training classes, canning and agricultural clubs are decidedly beneficial to the growing child, teaching him responsibility and the practical application of theories and giving him a very lively interest.

A substantial economic need urges us to promote with all our strength laws to protect our children against the evils of premature and excessive employment. That the conservation of child life will mean less expenditure on public institutions is one consideration. Another deals with babies as potential labor power. We must raise and educate them to realize the richest fulfilment of the purposes of creation. The real economic basis, however, underlying protective legislation for child workers is the fact that in our children, our hope of the future, is our hope for the surcease from economic ills. To this generation mere palliatives can be applied, but in our hands we hold the plastic beginnings of the next. We can make of it what we will. The material to mould must be healthy. There must be healthy bodies, minds, and souls to work with. There must be education embodying freedom of thought—freedom implying unbound, not unguided minds. The new mind must be guided by the principle of right conduct, by a social conscience as clear cut as the individual conscience, and not by the tyrannies of personal opinion. There must be a childhood unhampered by the weight of gainful labor, and there must be educational opportunities for all. Only in this way will there rise up a generation capable of meeting with generous hearts the legion of difficulties and problems confronting the world. That the mother strife of capital and labor with all its multitudinous little offspring will be killed would be too much to hope for, but that such contention would be at a minimum, that our economic ills would be treated with drastic surgery rather than with a few palliative drops of dope, would be certain. Men with open, clean minds would form judgments based on Christian principles. Men brought up to sanctify business life by their spiritual convictions as individuals—such men could argue, and their arguments would be fruitful of good. In our next generation cast in the mould of true Christianity, right education, and health, there would be the minimum of economic strife—the maximum of economic prosperity. And our next generation are our children of today. If our plan seems too Utopian one need but remember that the plumb line of an ideal is necessary for a firm foundation.



## APPENDIX

### RULES AND REGULATIONS

FOR CARRYING OUT THE PROVISIONS OF AN ACT OF THE CONGRESS OF THE UNITED STATES APPROVED SEPTEMBER 1, 1916, ENTITLED "AN ACT TO PREVENT INTER-STATE COMMERCE IN THE PRODUCTS OF CHILD LABOR, AND FOR OTHER PURPOSES."

#### *Regulation 1. Certificate of age*

Certificates of age, in order to protect the producer, manufacturer, or dealer from prosecution, shall be either:

1. *Federal age certificates issued by persons hereafter to be designated by the board for children between 16 and 17 years of age when employment in or about a mine or quarry is contemplated and for children between 14 and 16 years of age when employment in a mill, cannery, workshop, factory, or manufacturing establishment is contemplated. Such certificates shall contain the following information: (1) Name of child; (2) place and date of birth of child, together with statement of evidence on which this is based, except when a physician's certificate of physical age is accepted by the issuing officer, in which case physical age shall be shown; (3) sex and color; (4) signature of child; (5) name and address of child's parent, guardian, or custodian; (6) signature of issuing officer; and (7) date and place of issuance.*

2. *Employment, age, or working certificate, permit, or paper issued under State authority in such States as are hereafter designated by the board.*

#### *Regulation 2. Proof of age*

Persons authorized by the board to issue age certificates under the authority of this act shall issue such certificates only upon the application in person of the child desiring employment, accompanied by its parent, guardian, or custodian, and after having received, examined, and approved documentary evidence of age showing that the child is 14 years of age or over if employment in a mill, cannery, workshop, factory, or manufacturing establishment is contemplated, or that the child is between 16 and 17 years of age if employment in or about a mine or quarry is contemplated; which evidence shall consist of one of the following-named proofs of age, to be required in the order herein designated, as follows:

(a) A birth certificate or attested transcript thereof issued by a registrar of vital statistics or other officer charged with the duty of recording births.

(b) A record of baptism or a certificate or attested transcript thereof showing the date of birth and place of baptism of the child.

(c) A bona fide contemporary record of the date and place of the child's birth kept in the Bible in which the records of the births in the family of the child are preserved, or other documentary evidence satisfactory to the Secretary of Labor or such person as he may designate, such as a passport showing the age of the child, a certificate of arrival in the United States issued by the United States immigration officers and showing the age of the child, or a life insurance policy; provided that such other satisfactory documentary evidence has been in existence at least one year prior to the time it is offered in evidence; and provided further that a school record or a parent's, guardian's, or custodian's affidavit, certificate, or other written statement of age shall not be accepted except as specified in paragraph (d).

(d) A certificate signed by a public-health physician or a public-school physician, specifying what in the opinion of such physician is the physical age of the child; such certificate shall show the height and weight of the child and other facts concerning its physical development revealed by such examination and upon

which the opinion of the physician as to the physical age of the child is based. A parent's, guardian's, or custodian's certificate as to the age of the child and a record of age as given on the register of the school which the child first attended or in the school census, if obtainable, shall be submitted with the physician's certificate showing physical age.

The officer issuing the age certificate for a child shall require the evidence of age specified in subdivision (a) in preference to that specified in any subsequent subdivision and shall not accept the evidence of age permitted by any subsequent subdivision unless he shall receive and file evidence that the evidence of age required by the preceding subdivision or subdivisions can not be obtained.

#### *Regulation 3. Authorization of acceptance of State certificates*

States in which the age, employment, or working certificates, permits, or papers are issued under State authority substantially in accord with the requirements of the act and with regulation 2 hereof may be designated, in accordance with section 5 of the act, as States in which certificates issued under State authority shall have the same force and effect as those issued under the direct authority of this act, except as individual certificates may be suspended or revoked in accordance with regulations 4 and 8. Certificates in States so designated shall have this force and effect for the period of time specified by the board, unless in the judgment of the board the withdrawal of such authorization at an earlier date seems desirable for the effective administration of the act. Certificates requiring conditions or restrictions additional to those required by the Federal act or by the rules and regulations shall not be deemed to be inconsistent with the act.

#### *Regulation 4. Suspension or revocation of certificates*

SECTION 1. Whenever an inspector duly authorized under this act shall find that the age of a child employed in any mill, cannery, workshop, factory, manufacturing establishment, mine, or quarry as given on a certificate is incorrect, or that the time record is not kept in accordance with regulation 8, he shall notify the child, the employer, and the issuing officer that the certificate or the acceptance of a State certificate for the purposes of this act is suspended and indicate such suspension on the certificate or certificates.

SEC. 2. A statement of the facts for which the suspension was made shall be forwarded by the inspector to the Secretary of Labor, or such person as he may designate, who will either (a) revoke or withdraw the certificate or the acceptance of the certificate, or (b) veto the suspension, as in his judgment the facts of the case warrant.

Due notice shall be sent to the child's parent, guardian, or custodian, to the employer, and to the issuing officer of the action taken in regard to a suspended certificate.

SEC. 3. If the suspension of a certificate be vetoed, a new certificate shall be issued upon the surrender of the one suspended. If for any reason such new certificate can not be obtained from a State issuing officer, the notice of the veto if attached to a suspended certificate shall be recognized and accepted as meeting the requirements of section 5 of the act.

#### *Regulation 5. Revoked or suspended certificates*

A revoked or suspended certificate will not protect a producer, manufacturer, or dealer from prosecution under section 5 of the act after notice of such suspension or revocation, except as provided in regulation 4.

#### *Regulation 6. Hours of employment*

In determining whether children between 14 and 16 years of age have been employed more than eight hours in any day the hours of employment shall be computed from the time the child is required or permitted or suffered to be at the place of employment up to the time when he leaves off work for the day, exclusive of a single continuous period of a definite length of time during which the child is off work and not subject to call.

#### *Regulation 7. Days of employment*

A child may not be employed for more than six consecutive days. \*

#### *Regulation 8. Time record*

SECTION 1. A time record shall be kept daily by producers or manufacturers, showing the hours of employment in accordance with regulation 6, for each and every child between 14 and 16 years of age, whether employed on a time or a piece-rate basis.

SEC. 2. Certificates of age for children employed in any mine or quarry or in any mill, cannery, workshop, factory, or manufacturing establishment may be suspended or revoked for failure on the part of a manufacturer or producer to keep time records as required by this regulation or for false or fraudulent entries made therein.

#### *Regulation 9. Inspection*

An inspector duly authorized under this act shall have the right to enter and inspect any mine or quarry, mill, cannery, workshop, factory, or manufacturing establishment, and other places in which goods are produced or held for interstate commerce; to inspect the certificates of age kept on file, time records, and such other records of the producer or manufacturer as may aid in the enforcement of the act; to have access to freight bills, shippers' receipts, and other records of shipments in interstate or foreign commerce kept by railroads, express companies, steamship lines, or other transportation companies so far as they may aid in the enforcement of the act.

#### *Regulation 10. Obstructing inspection*

SECTION 1. It shall be the duty of a producer or manufacturer to produce for examination by an inspector the certificates of age kept on file and any child in the employ of a manufacturer or producer whom the inspector may ask to see. Concealing or preventing or attempting to conceal or prevent a child from appearing before an inspector or being examined by him or hindering or delaying in any way an inspector in the performance of his duties shall be considered an obstruction of inspection within the meaning of section 5.

SEC. 2. No owner, manager, or other person in charge of premises or records shall be subject to prosecution for obstruction of inspection if the inspector shall refuse upon request to submit his identification card for examination by such owner, manager, or other person.

#### *Regulation 11. Removal*

Withdrawal for any purpose of an article or commodity from the place where it was manufactured or produced constitutes a removal thereof within the meaning of the act; and the 30-day period within which employment of children contrary to the standards prescribed in section 1 of the act results in prohibiting shipment in interstate or foreign commerce shall be computed from that time.

#### *Regulation 12. Guaranty*

SECTION 1. A guaranty to protect a dealer from prosecution under section 5 of the act shall be signed by and contain the name and address of the manufacturer or producer; it shall be specific, covering the particular goods shipped or delivered for shipment or transportation, and shall not be a general guaranty covering all goods manufactured or produced or to be manufactured or produced by the guarantor. It may be incorporated in or attached to or stamped or printed on the bill of sale, bill of lading, or other schedule that contains a list of the goods which the manufacturer or producer intends to guarantee.

SEC. 2. A dealer shipping goods from a State other than the State of manufacture or production does not require a guaranty in order to be protected from prosecution. (See sec. 6 of the act.)

SEC. 3. A guaranty substantially in accordance with the following forms will comply with the requirements of the act:



*For products of mines or quarries—*

(I or we), the undersigned, do hereby guarantee that the articles or commodities listed herein (or specify the same) were produced by (me or us) in a mine or quarry in which within 30 days prior to removal of such product therefrom no children under the age of 16 years were employed or permitted to work.

(Name and place of business of producer or manufacturer.)

(Date of removal.)

*For products of a mill, cannery, workshop, factory, or manufacturing establishment—*

(I or we), the undersigned, do hereby guarantee that the articles or commodities listed herein (or specify the same) were produced or manufactured by (me or us) in a (mill, cannery, workshop, factory, or manufacturing establishment) in which within 30 days prior to the removal of such product therefrom no children under the age of 14 years were employed or permitted to work, nor children between the ages of 14 years and 16 years were employed or permitted to work more than eight hours in any day or more than six days in any week, or after the hour of 7 o'clock p. m. or before the hour of 6 o'clock a. m.

(Name and place of business of producer or manufacturer.)

(Date of removal.)

*Regulation 13. Alteration and amendment of regulations.*

These regulations may be altered or amended at any time without previous notice by the board as constituted in section 2 of the act.

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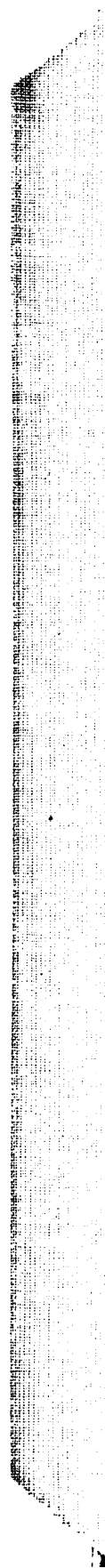


## VITA

Miriam Elizabeth Loughran was born April 29, 1897, in New York City, and received all her pre-college education in Springfield, Massachusetts, graduating from Central High School in 1913. In the fall of that year she entered Trinity College, Washington, D. C. She received the degree of Bachelor of Arts in June, 1917, having completed major work in English, Latin, and Political Science. In 1918 she received the degree of Master of Arts, likewise from Trinity. The major study was Clinical Psychology, the minors being Economics and Sociology. "The Concomitants of Amentia" was the subject of the thesis presented. It was afterwards published as a monograph supplement to the Psychological Review. During the year 1917-1918 she was engaged on the Catholic Charities Review as assistant to the editor, Dr. John A. Ryan. In the summer of 1918 she spent three months under Colonel Leonard P. Ayres, head of the Statistics Branch, General Staff, United States Army, working on the graphic presentation of the statistics of the World War. The year 1918-1919 was spent under Miss Julia C. Lathrop, doing legal research in the Children's Bureau of the Department of Labor. In the fall of 1919, she commenced studies leading to the degree of Doctor of Philosophy under Dr. John A. Ryan, Dr. Thomas V. Moore, C. S. P., and Dr. John O'Grady, all of the Catholic University of America. At the same time she was engaged in research work for the Social Action Department of the National Catholic Welfare Council.







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